

#111501

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

CLERK US DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

UNITED STATES DISTRICT COURT

2018 OCT 17 AM 11:24

for the

Northern District of Texas

Dallas

Fort Worth

Division

DEPUTY CLERK

CR

Hickson, Natalie, Pro Se
On Behalf of the Estate of
Malcom Loren Hickson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Carrollton Police Department

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

3-18CV2747-B

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Natilie Hickson
Street Address	1015 Terry Way
City and County	Carrollton, Dallas County
State and Zip Code	Texas, 75006
Telephone Number	469-324-8842
E-mail Address	njhickson@hotmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	Carrollton Police Department
Job or Title <i>(if known)</i>	
Street Address	2025 East Jackson Road
City and County	Carrollton, Dallas County
State and Zip Code	Texas, 75006
Telephone Number	972-466-3290
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.
42 USCS § 1983

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____ . Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
 the laws of the State of (name) _____, and has its
 principal place of business in the State of (name) _____.
 Or is incorporated under the laws of (foreign nation) _____,
 and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On 10-26-2016 the Carrollton Police Department responded to a call at Town Suites located at 1240 W Trinity Mills Rd, Carrollton, TX 75006, and caused the death of my son Malcom Loren Hickson. During this encounter, police used excessive force; improper procedure; failure to train/ municipal liability; harassment; negligence and malicious intent which caused the death of Malcom Loren Hickson.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

We pray the court provide the following specific relief of \$2,000,000 to be distributed to the estate of Malcom Loren Hickson by the following:

- 1) Lapresha Stanley, wife of Malcom Loren Hickson (decedent) -Financial Support, loss of Consortium, Pain and suffering general damages, emotional distress, mental anguish.
- 2) Bryson Omari Hickson, son of Malcom Loren Hickson (decedent)- financial support, loss of enjoyment of life,
- 3) Natalie Hickson, mother of Malcom Loren Hickson (decedent)- mental anguish, emotional distress, pain and suffering, funeral costs, general damages, defamation, loss of enjoyment of life.

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Punitive Damages: \$2,000,000, to be distributed in the following manner:

- 1) Require SWAT Team members to be further trained and use body cameras
- 2) Mandatory, graduating training in methods to diffuse situations
- 3) Impactful Harassment training
- 4) Duty of Care or further prevention of negligence training
- 5) Obey police policies and not use personal bias or experiences with defendant(s), suspect, or accused with results that led to infringement of rights of Malcom Loren Hickson.


V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10-17-18

Signature of Plaintiff 
Printed Name of Plaintiff Natalie J. Hickson

B. For Attorneys

Date of signing: _____

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Street Address _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____

EXHIBIT LIST

- A) Bill for Malcolm Loren Hickson from InTown Suites
- B) Letter to Attorney General Ken Paxton requesting of unsealing of records.
- C) Letter to former attorney, Mr. Palmer
- D) Text messages between Raeshonique Luarks and Carole Lydia Lugendo
- E) Autopsy report of Malcolm Loren Hickson
- F) Letter dated April 25, 2018 from the office of Attorney General Ken Paxton to Ms. Brown, City of Carrollton regarding release of information.
- G) Letter dated February 16, 2018 to Attorney General Ken Paxton from City of Carrollton.
- H) Letter dated February 22, 2018 to Attorney General Ken Paxton from Mark Kratovil, Assistant Criminal District Attorney of Tarrant County, Texas
- I) Letter dated March 12, 2018 from the office of Attorney General Ken Paxton to Mark Kratovil, Assistant Criminal District Attorney of Tarrant County, Texas Re: Request for any and all records involving a named individual from 10/26/2018

InTown SUITES

Intown Suites Trinity Mills
1240 West Trinity Mills Rd.
Carrollton, TX 75006
972-323-0904

Exhibit A

Room Agreement

Guest Folio # 16667
HICKSON, MALCOLM L
1015 TERRY WAY
CARROLLTON, TX 75006-0000
 Extra Guest(s): **LAURKS, RAESHNIQUE**
MAULAB, CAROLE

Room: 328
 Arrival: 10/24/2016
 Next Payment Due Date: 10/31/2016
 Clerk: rpeak

Trans #	Date	Description	Charges	Payments	Balance
414538	10/24/2016	Room Deposit	\$30.00	\$0.00	\$30.00
414539	10/24/2016	Phone Deposit	\$20.00	\$0.00	\$50.00
414540	10/24/2016	Rm: 328 Website Wkly	\$279.99	\$0.00	\$329.99
414541	10/24/2016	Weekly Technology Fee	\$5.00	\$0.00	\$334.99
414542	10/24/2016	State Sales Tax	\$16.80	\$0.00	\$351.79
414543	10/24/2016	City Sales Tax	\$19.60	\$0.00	\$371.39
414544	10/24/2016	Cash	\$0.00	\$371.39	\$0.00
				Balance	\$0.00

"I hereby reaffirm, acknowledge and agree to the Terms and Conditions of the Guest Agreement on the Guest Registration"

Folio Summary

Previous Balance:	\$0.00
Room Charges:	\$284.99
Other Charges/Credit:	\$30.00
Phone Charges:	\$20.00
Tax:	\$36.40
Less Payments:	\$371.39
Total Amount Due:	\$0.00

Guest
Signature:

Malcolm Hickson

"You agree to the terms and conditions, as stated at move-in, and have verified that the above transactions are correct"

Exhibit B

The Honorable Ken Paxton

Attorney General

Open Records Division

P.O.B 12548

Austin TX 78711-2548

Dear Attorney General Paxton,

February 28, 2018

I have submitted a request for open records act with Tarrant county Corners office involving a police officer shooting of my son Malcolm Hickson. In return they provided me with a letter addressed to the Attorney General. The letter of reference is E-C.M/R.R.R-91 7199 9991 7038 6815 2095 They have in return notified me that you must rule on what is released. I understand that the officer was no billed in this case.

The integrity unit at Dallas County shared the same power point presentation with me as they shared with the grand jury. Upon viewing the information it has left me with numerous unanswered questions and concerns for the death of my child.

I would like to view the information myself and cannot understand why I the mother would not have privilege to that information. I plan on continuing with this case. I am not an attorney but would like to do the leg work and evaluate all information in order to proceed legally. My main question is, if the officer was not indicted why do they need to hide the information from me, the mother?

Please Honorable Ken Paxton allow me to have the information I requested. As a citizen and a veteran that has honored our country to allow our freedoms, I ask myself why I have to fight again for rights that I thought were protected by being a united state citizen?

This is a case of another black man killed with no video. The video would have summed it all up. I pray that I am at least able to read the evidence and get closure. I lost my son on October 26, 2016 and still to this day have no answers. I ask you to please have mercy on me. I pray that you allow the request of public information to be given to me.

Sincerely,

Natalie Hickson

Exhibit C

Mr. Palmer,

7/24/18

Good Afternoon,

First, I would like to once thank you for signing the contract on this wrongful Death. I trust that you are fully qualified as a counselor and I am confident in your ability to get to the truth, which will lead to justice. It is your own sense of justice and the need to right a wrong which motivated you to consider this case in the first place. The trauma of losing my son in such a senseless way has been unbearable. The only thing that would be worse is not to fight with maximum effort to make those responsible for his death accountable. Thus, it is not critical that I speak with you immediately in order to completely and clearly understand your level of commitment to this case.

As you know, the time we have to file this is quickly escaping us, the deadline fastly approaching. It is clear that this is now a sense of urgency and you understand our need to now aggressively proceed.

As an attorney; I know that the first concern and question is: "can this case be won?" The answer is "yes". If you did not this so, you would not have had me sign the contract. And the evidence will show that this was no "justified police shooting". That there was serious negligence, rush to judgement, errors, miscalculations, prejudice, a botched investigation and then lies to cover it up.

I do not speak out of blind passion and emotion of a mother who has lost her son. But as a clear headed citizen comparing facts, as a woman speaking simple truth! And I must know that you are ready and willing to professionally present those facts in court if need be. To hold the Carrollton police department accountable once and for all.

File this case; if we do not file it how can we win it? Here are a few points to consider and questions to ask to proceed:

Why there were so many conflicting reports of what happened immediately after the shooting? If you read them you will see they all contradict each other and state things to the contrary to the facts. (Jolene DeVito-police spokesperson must be interviewed.)

Why has the access to any and all deeper information now been suddenly cut off from me when initially I was allowed to get all my sons personal affects?

Why were no other witnesses called for the hearing which would have given the jury greater clarity?

Why was there no real investigation into the claims of what carol Lydia safi lugendo said before swat was dispatched?(it can be proven she was a known prostitute with Hickson willingly for over a month and with another pimp prior to that and no kidnapping or assault ever took place).

Swat waiting 6 hrs. Why was there no organized or other profession attempts to apprehend the suspect? (Utilize the motel manager, call him to office etc.)?

My son has dealt with the police for years! Never has he assaulted a police officer, pointed or pulled a gun, been disruptive or resisted arrest(for cases much more serious that this one).so the claim that he

Exhibit C

surrendered then reached for a gun are impossible to be believed. In fact all of his previous dealings with the police without incidence will prove the police lied. Including a video of him and Rae getting arrested weeks before his death (that I just received 2 weeks ago). It shows him treating the police with the utmost respect.

Why did they not apprehend my son when he walked right past the swat van as they did Rae?

Why did one officer shoot one shot (without the officers even knowing there was a shot fired?) If he really reached for a gun, multiple shots would have been fired from more than one officer (was Sgt. Caleb west the "only" one to see this out of an entire team of trained swat members?

He was shot from the side (not facing any officer) couldn't have been that threatening. An eyewitness will testify that he never had the gun in his hand or reached for it.

If the shooting is "justified" why is it that after 1 ½ years the police are so secretive and elusive in providing information?

Why was a flash ban used by police after my son was shot? For what reason? Is this protocol? Is this logical? (See police affidavit).

The second woman Rae exited the room on her own free will alone. No kidnapping victim. Once the police realized she was not a victim she then had to be an accomplice. But she never was because the charge was false.

Why were there conveniently no body cams or swat cameras? What is swat tea / police protocol in a kidnapping/ hostage situation?

Lastly, my son didn't even know about any kidnapping/assault charges that the girl Carole Lydia safi Lugendo alleged. His only knowledge was of a family violence charge (if that since the victim was with him). Why would he pull a gun, reach for a gun surrounded by police officers risking his own death or death of an officer with the intent to commit a capital crime for such a menial charge. Who risks a life sentence for doing a simple family violence that may carry 2-10 years? It makes no sense.

There are other points to make, other evidence to present and be discussed. The details will be made known. That is why it is imperative that this case is files and discovery is obtained. This is where I need you to do your job. To use your power, access, skill and knowledge to do what I am blocked from doing. This is far from an open and shut case. In the points presented can you find anything strange? Can you find some lies? Some errors? Some negligence? If so then you have just discovered and found a victory and justice for Malcolm. His son (who will never see his father) and for all of those young men who are far from perfect- yet do not deserve to die at the hands of the police unnecessarily. is this case easy? No. it is a challenge. But one I know you have the ability, skill and knowledge meet head on and win.

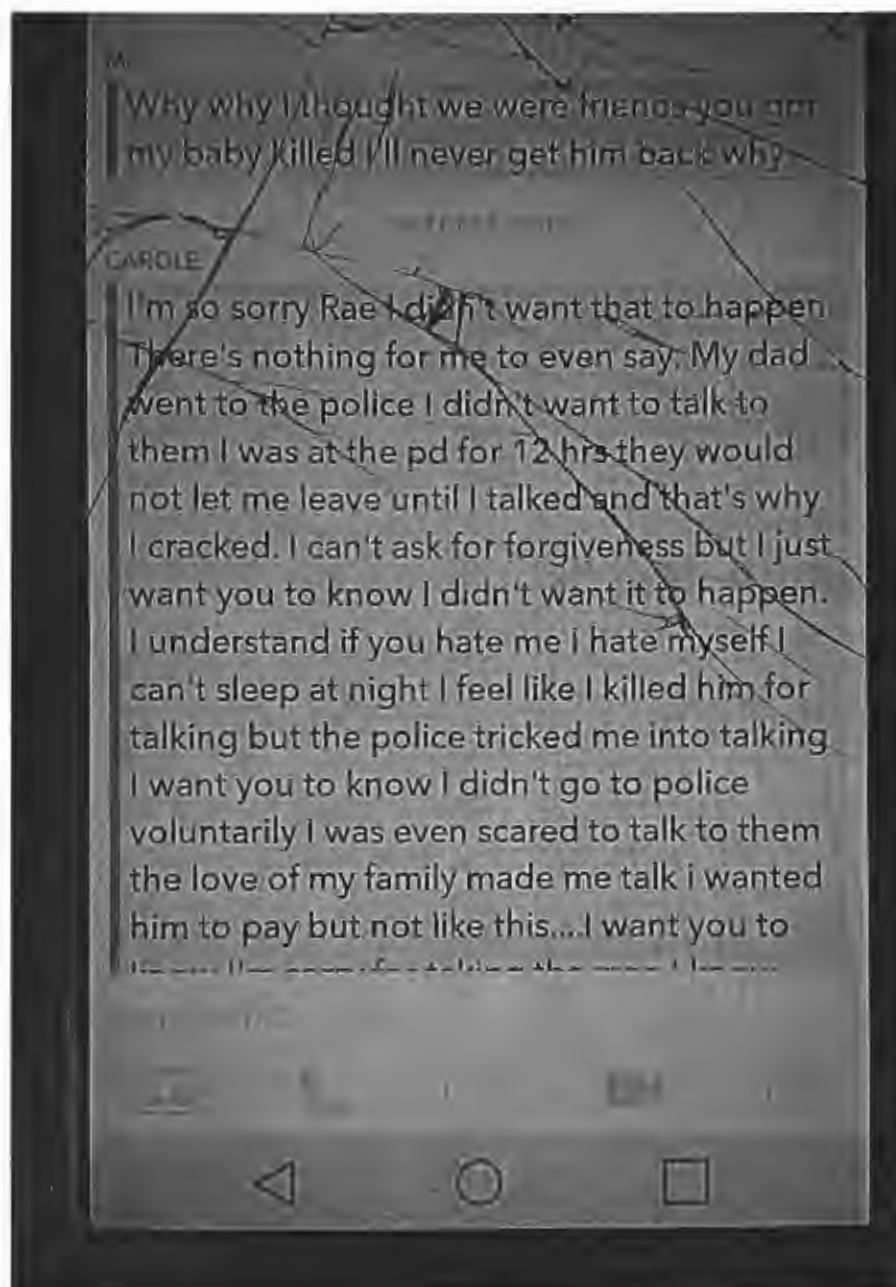
Contact me so we can get started. I thank you for your dedication as well as that of your team in advance. I look forward to meeting with you soon. I close with your chosen quote "Those who expect

Ex D

Me is Raeshonique Luarks

Carole is Carole Safi Lydia Lugendo

①



(a)

you loved away I will never forget it I can't
say anything to make you think differently
but I love you and care for you it may not
seem like it but I do Rae I was on your side
I'm so sorry I know u will just remember the
good times with you and him and that may
be the best right now but you keep that
image in your head for your own sake I'm so
sorry Rae I know this isn't enough. But I have
to let you know this

ME

Hey

CAROLE

Hey Rae

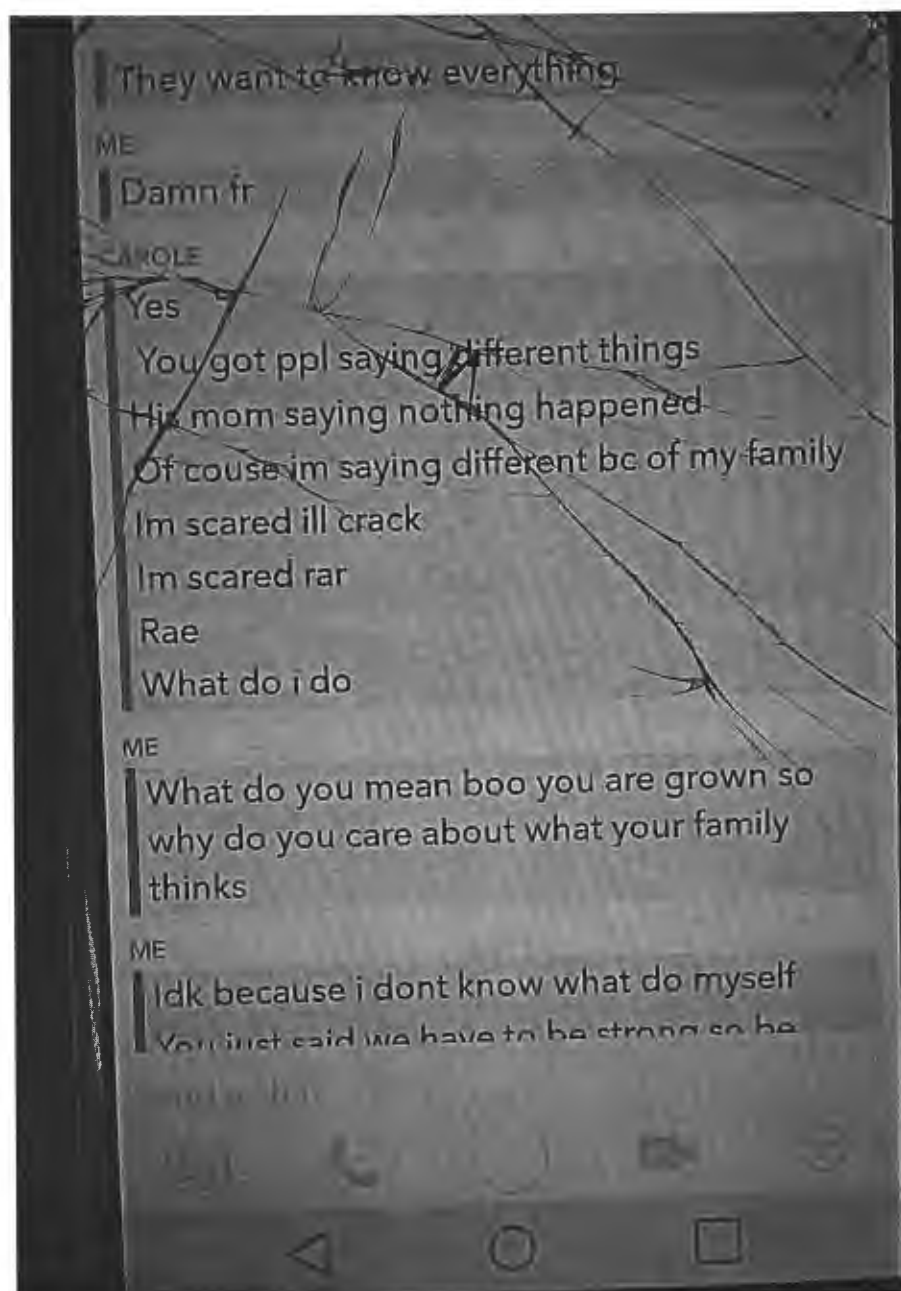
ME

Wyd

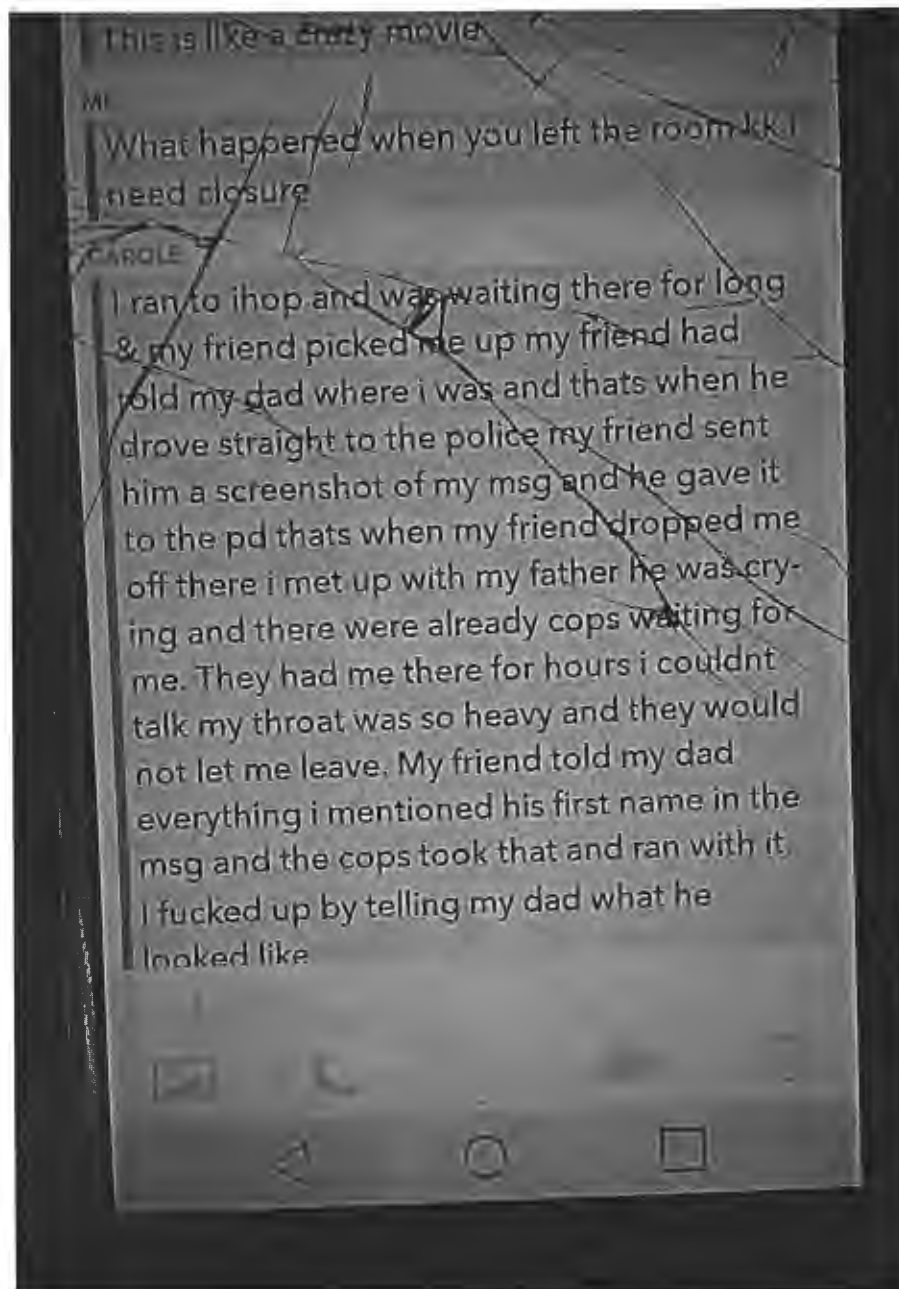
CAROLE

laying down how are you doing???

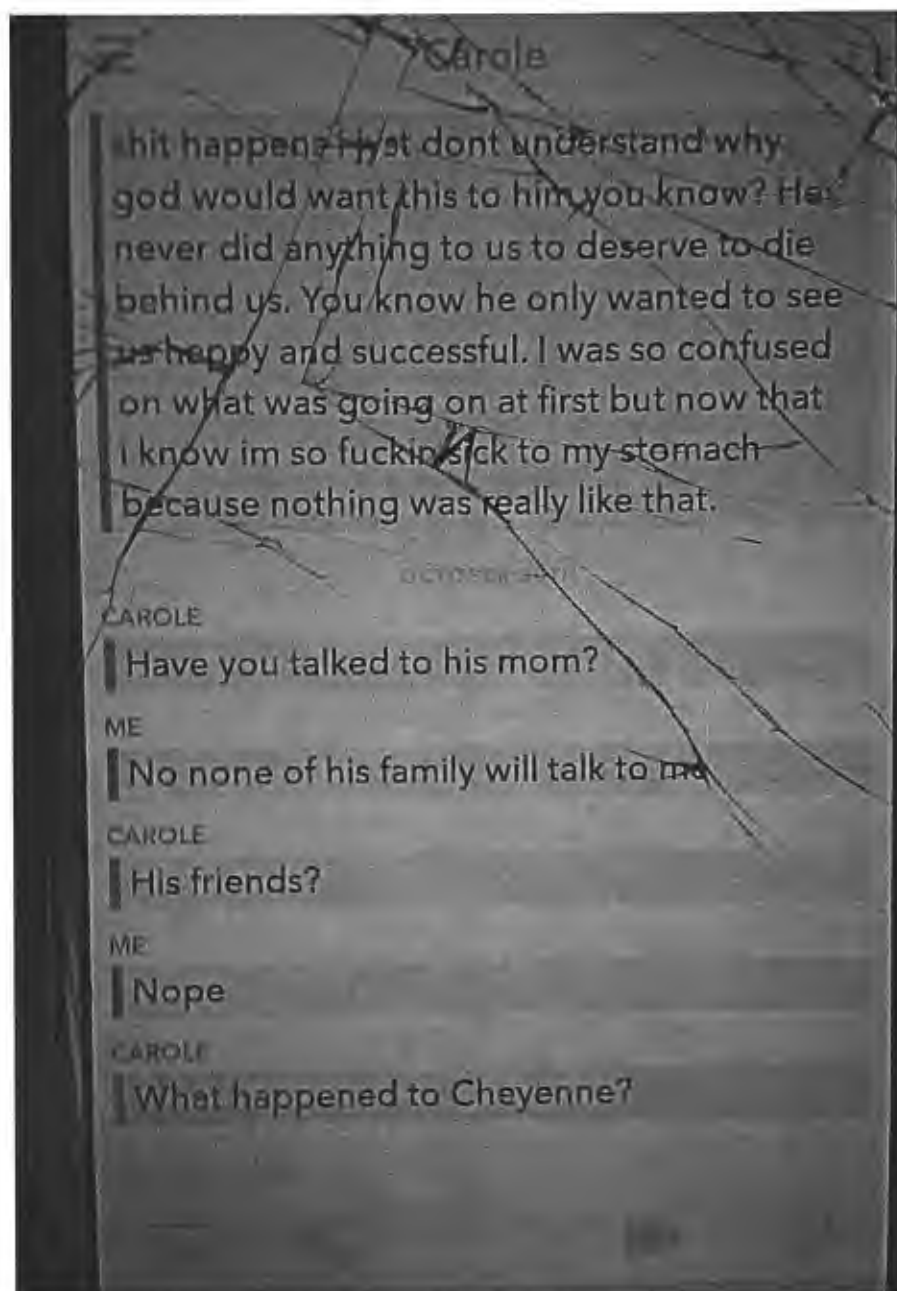
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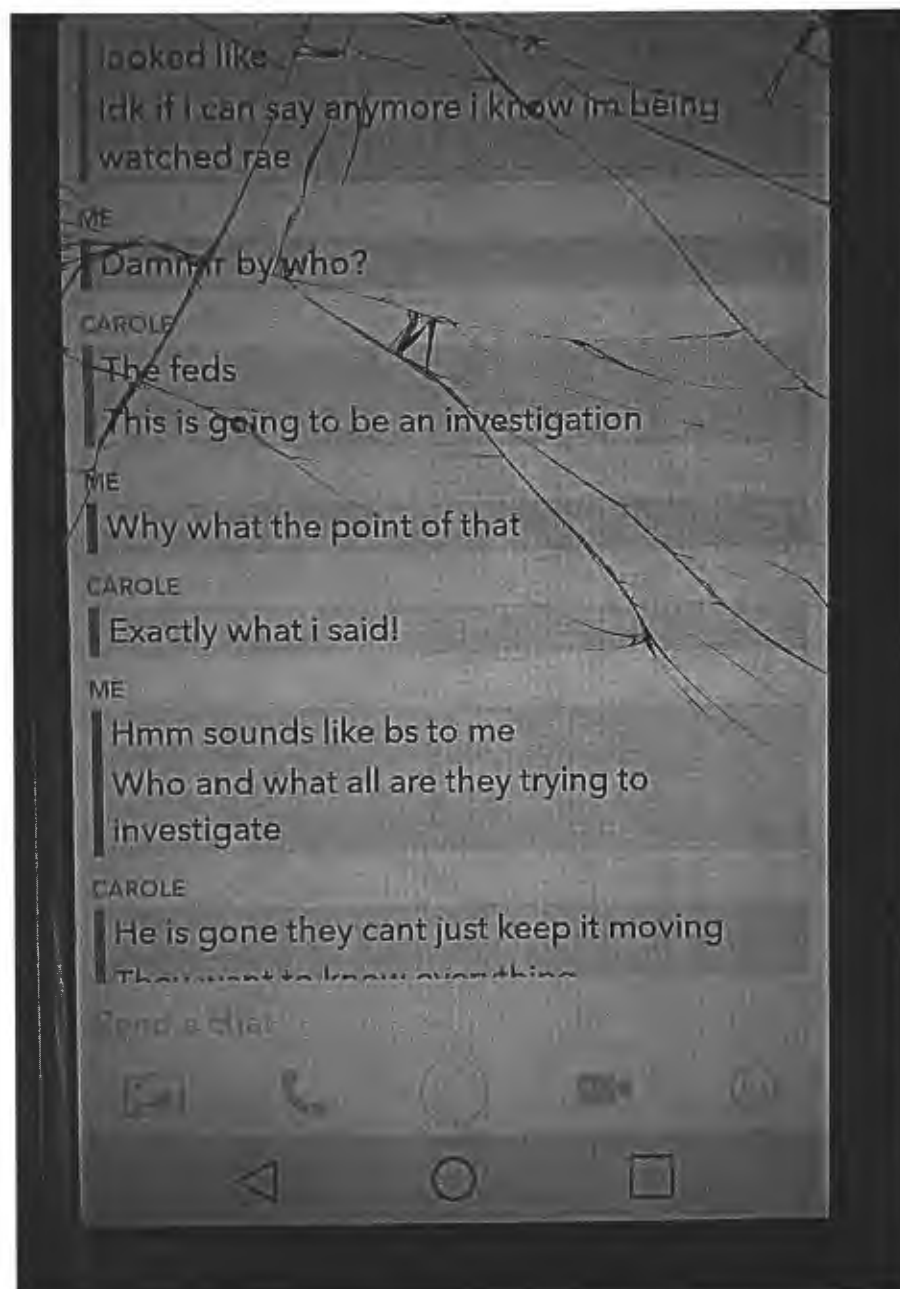


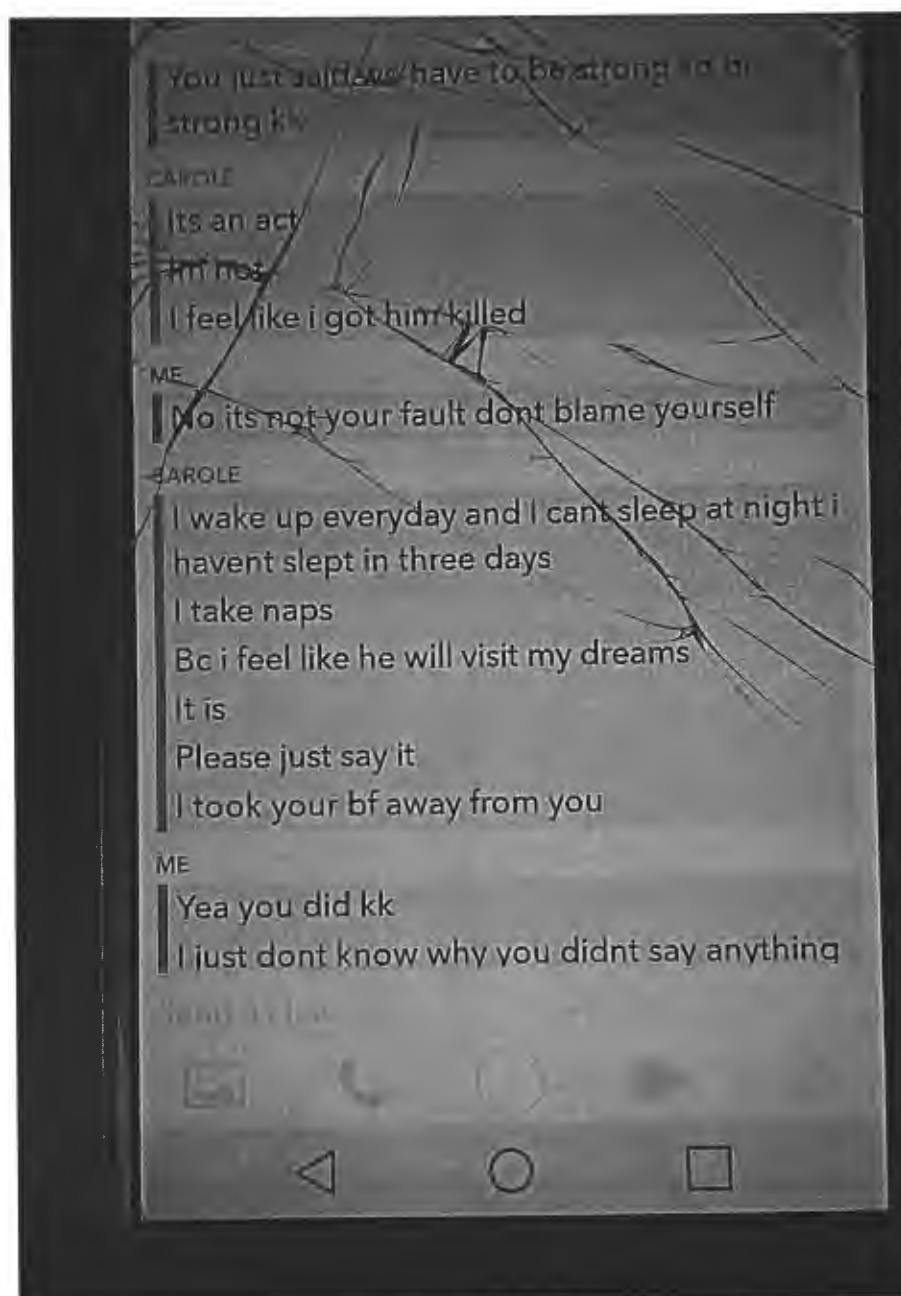
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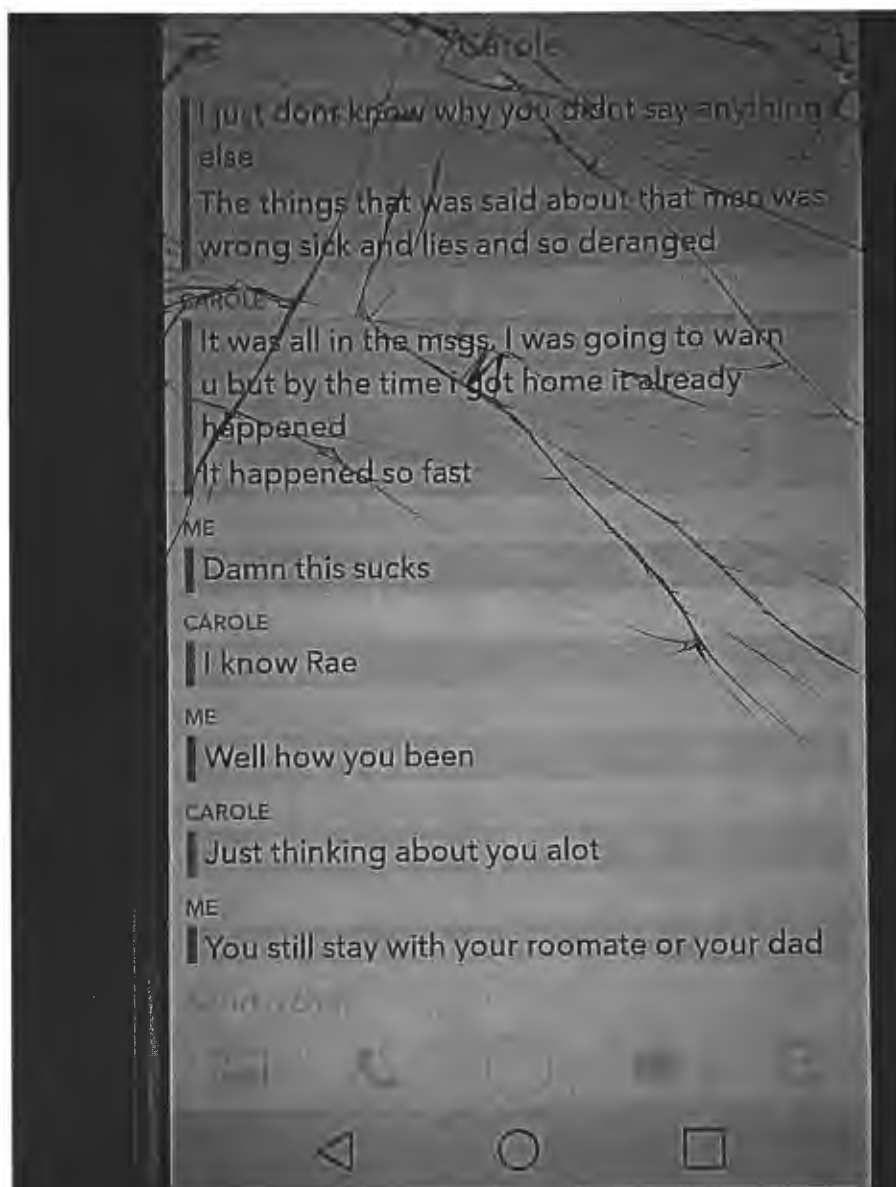


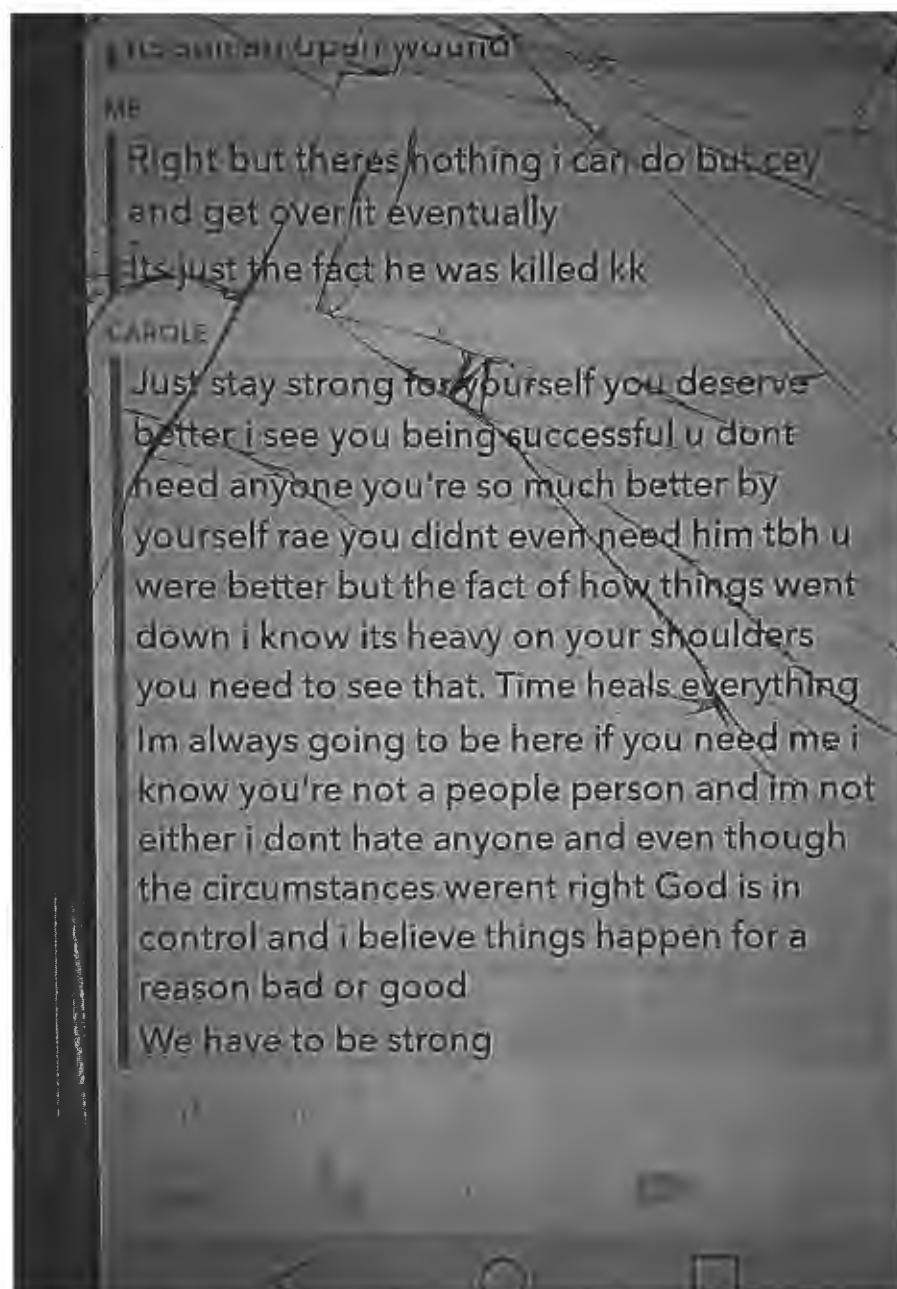
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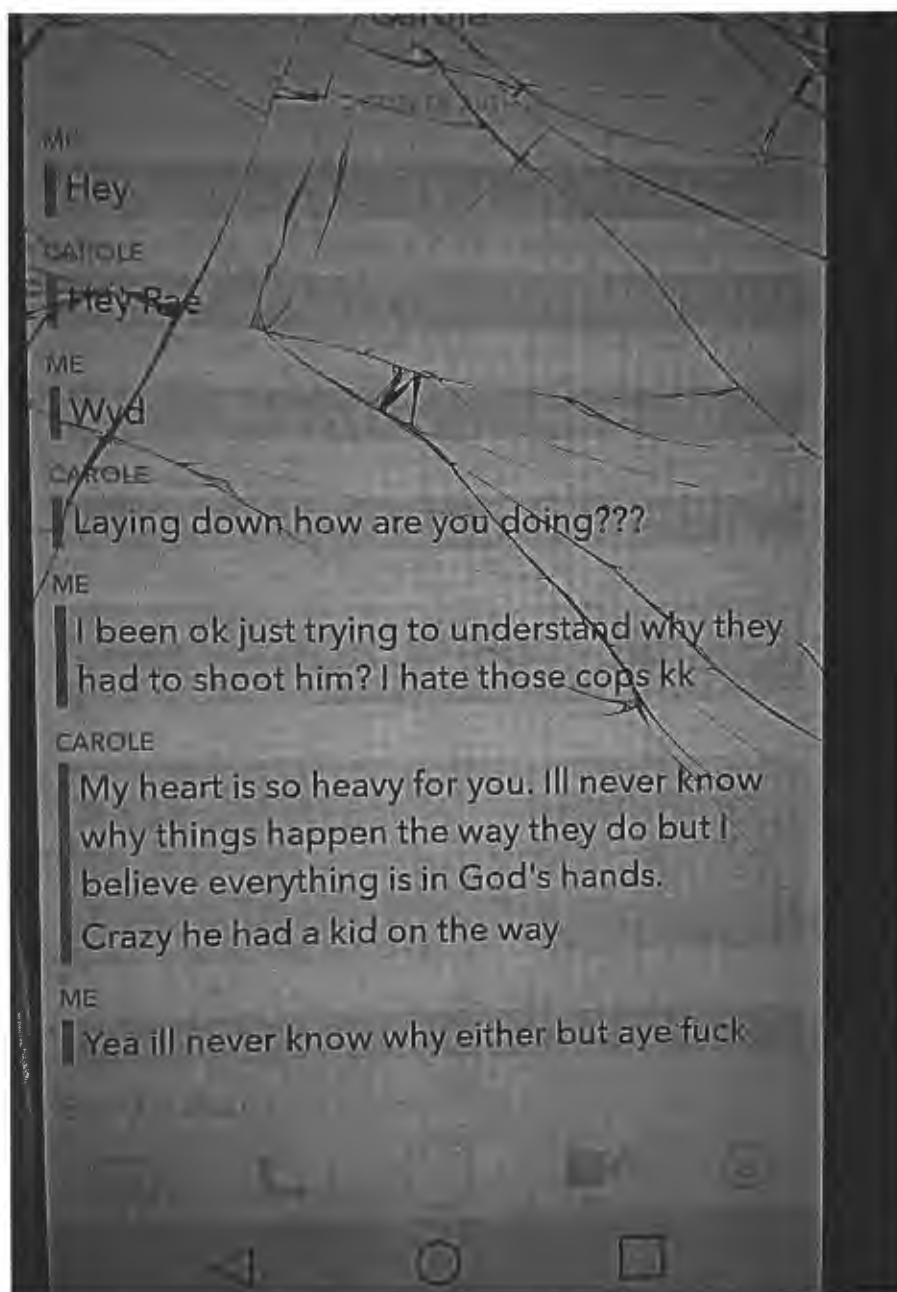


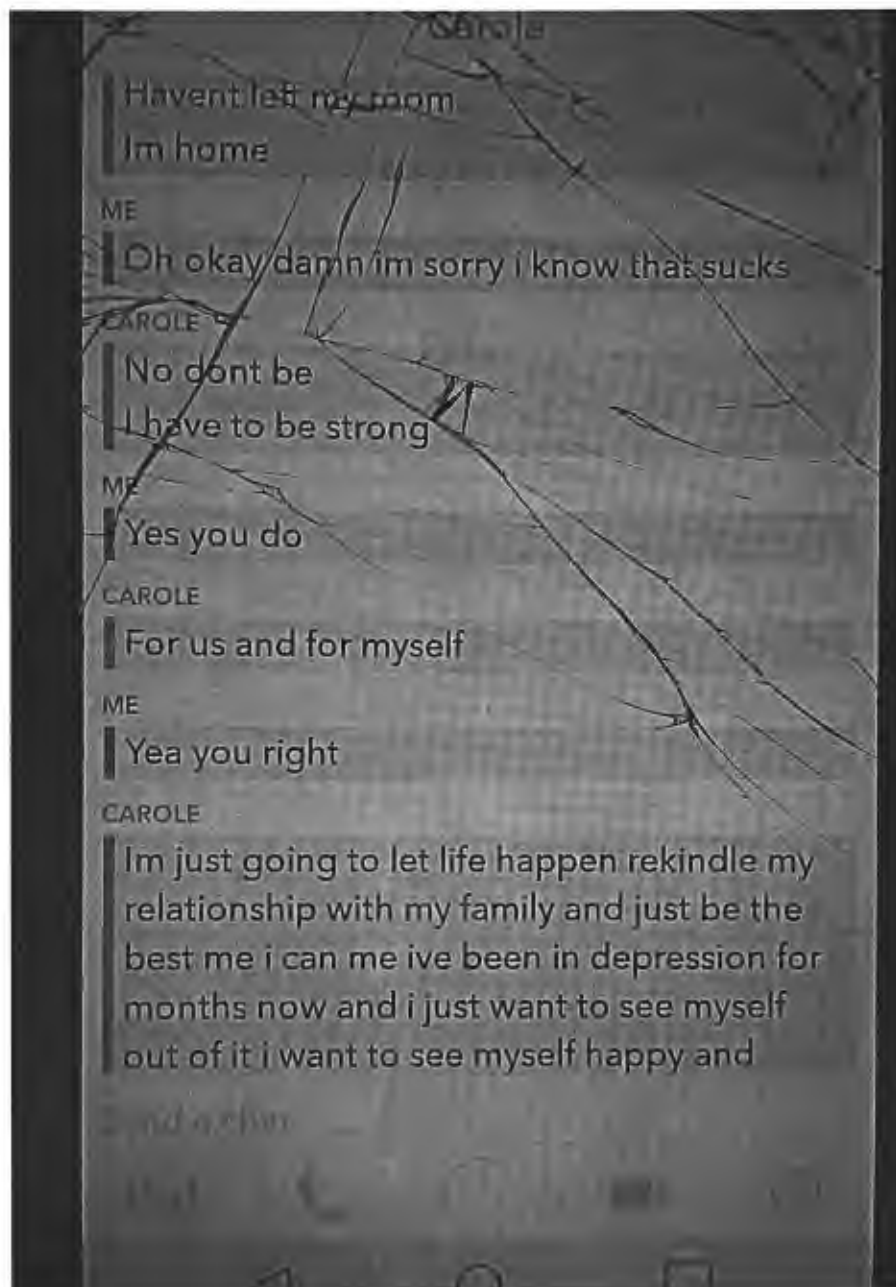


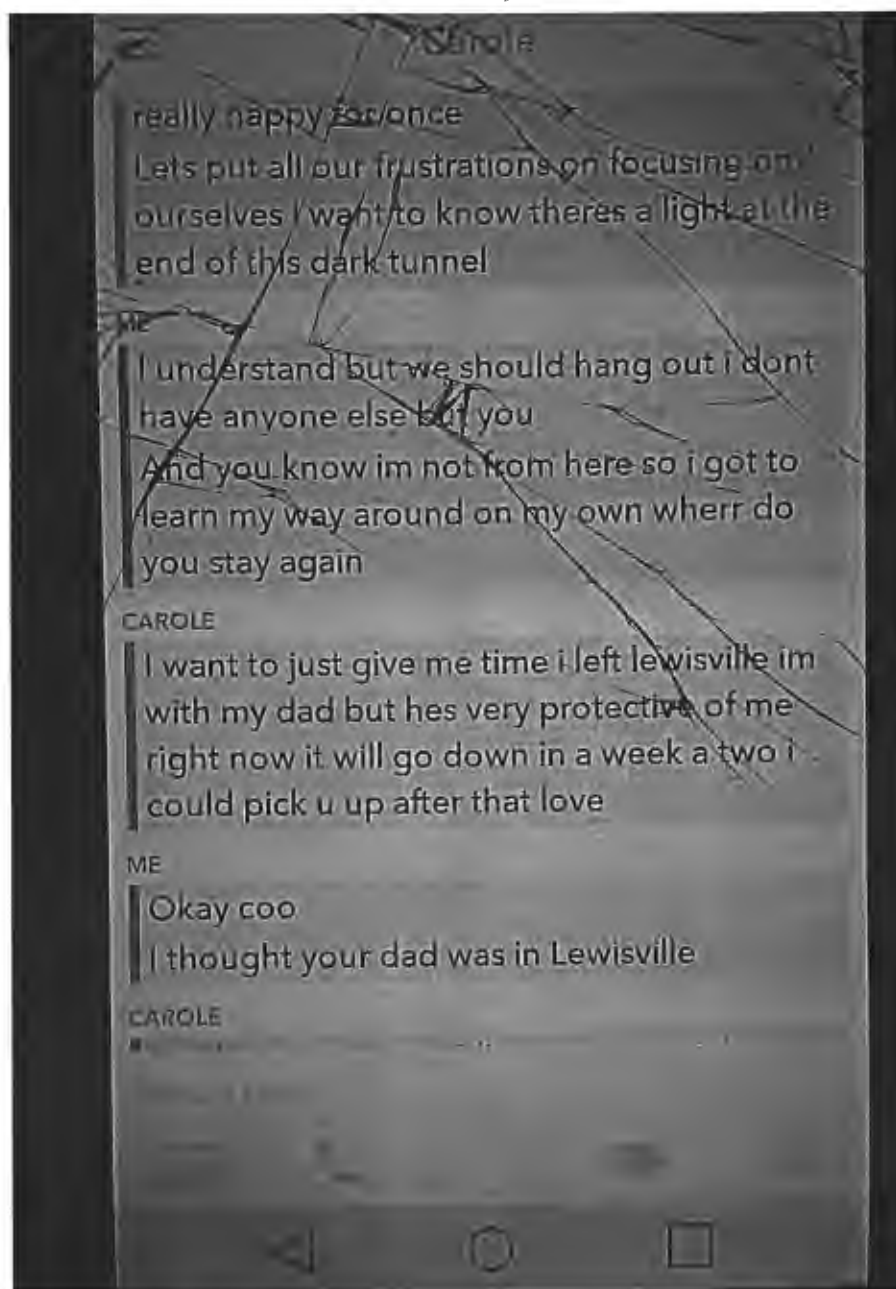


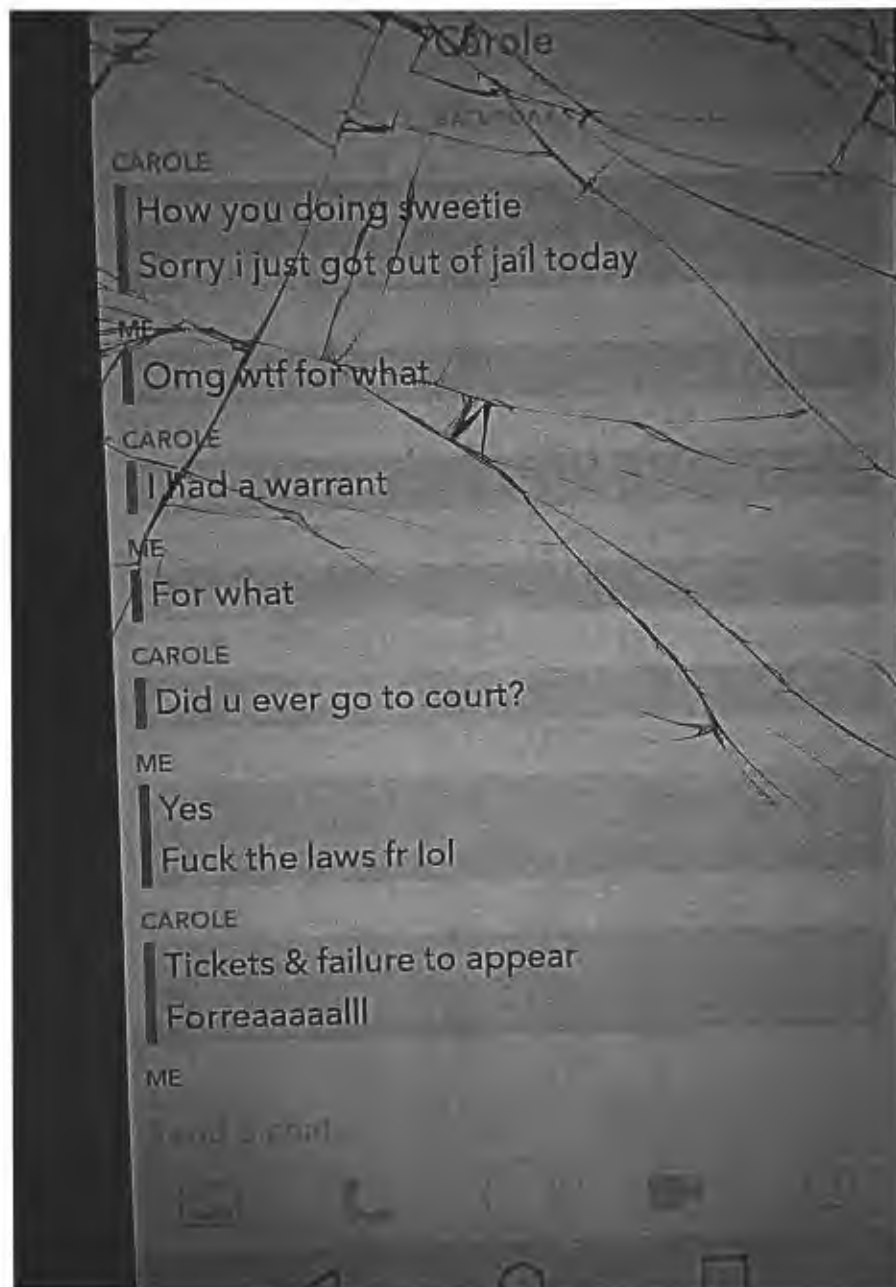












The number and date
that Carole came to Malcolm.



Exhibit E



Office of Chief Medical Examiner
Tarrant County Medical Examiner's District
Tarrant County, Texas
200 Felix Gwozdz Place, Fort Worth, Texas 76104-4919
(817) 920-5700 FAX (817) 920-5713

AUTOPSY REPORT

Name: Malcolm Loren Hickson
Approximate Age: 25 Years
Height: 71 Inches

CASE NO: 1616112
Sex: Male
Weight: 162.3 Pounds

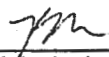
We the undersigned hereby certify that on the 27th day of October 2016, beginning at 0955 hours, pursuant to Statute 49.25 of Texas Criminal Code, a complete autopsy on the body of an unidentified male later identified as **Malcolm Loren Hickson** was performed at the Tarrant County Medical Examiner's District Morgue in Fort Worth, Texas and upon investigation of the essential facts concerning the circumstances of the death and history of the case are of the opinion that the findings, cause and manner of death are as follows:

FINDINGS:

- I) Investigative findings:
 - A. Police were surveilling the decedent due to outstanding warrants; decedent exited a hotel and pointed a gun at officers; a SWAT officer fired at the decedent; decedent transported to hospital by emergency medical services; decedent pronounced at hospital
 - B. Weapon used: Heckler and Koch carbine, Model 316, that fires .223 rounds
 - C. Additional medical history: Unknown
- II) Examination findings:
 - A. Right lateral chest gunshot wound:
 - 1) Wound of Entrance: Right lateral chest
 - 2) Range: Indeterminate
 - 3) Injury with:
 - a. Fractured right rib, #8
 - b. Liver laceration
 - c. Lung lacerations
 - d. Heart lacerations
 - e. Diaphragm lacerations
 - f. Fractured left rib, #6
 - 4) Wound of Exit: None
 - 5) Projectile: Recovered from left chest wall
 - 6) Direction: Right to left, back to front, and upward

SM

Page 2 of 10


Malcolm Loren Hickson 1616112

FINDINGS (Continued):

B. Additional findings:


- 1) Hemopericardium
- 2) Hemothorax

III) Postmortem toxicology:

- A. Urine, THC, positive



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 1616112
Malcolm Loren Hickson

CAUSE OF DEATH: GUNSHOT WOUND OF CHEST

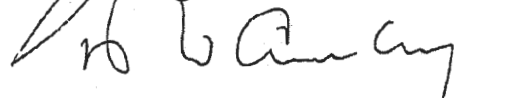
MANNER OF DEATH: HOMICIDE


Signature

Barrie R. Miller, M.D.
Forensic Fellow


Signature

Tasha Z. Greenberg, M.D.
Deputy Medical Examiner


Signature

Nizam Peerwani, M.D.
Chief Medical Examiner


Signature

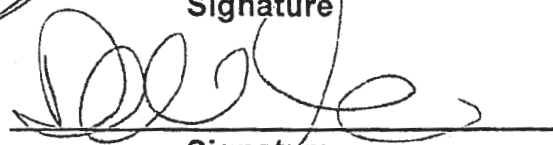
Marc A. Krouse, M.D.
Deputy Chief Medical Examiner


Signature

Susan J. Roe, M.D.
Deputy Medical Examiner


Signature

Richard C. Fries, D.O.
Deputy Medical Examiner


Signature

Denika Adams, D.O.
Deputy Medical Examiner

A complete autopsy is carried out at the Tarrant County Medical Examiner's Morgue.

GROSS ANATOMIC DESCRIPTION

I. CLOTHING AND PERSONAL EFFECTS: The body is presented to the Morgue in a blue body bag and clad in a white undershirt (cut), gray boxers (cut), gray pajama bottoms (cut), white socks, and black house shoes. The hands are bagged.

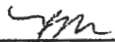
II. THERAPEUTIC INTERVENTION: Evidence of medical intervention includes an oral endotracheal tube; left leg intraosseous access; right chest, chest tube.

III. EXTERNAL BODY DESCRIPTION: The body is that of a normally developed adult black male weighing 162.3 pounds, measuring 71 inches in height, and appearing compatible with the stated age of 25 years. The body is cold following refrigeration. Rigor mortis is well-developed in the small and large muscles. Livor mortis is indiscernible. Preservation is good with no decomposition changes. Body hair distribution is that of a normal adult male.

The head is normocephalic. The head displays injuries as detailed below. The head hair is curly, black, and short, ½ inch. Facial hair consists of a black mustache and goatee. The eyes when initially viewed are slightly open. The corneae are clear. Tache noire is present. The irides are brown and there is no arcus senilis. The pupils measure 4 mm bilaterally. The conjunctivae are pink. The sclerae are non-icteric. No petechial hemorrhages are identified. The nasal skeleton and septum are intact. The ears are unremarkable; the earlobes are not pierced. The lips are atraumatic. The teeth are natural and in good repair. There is no foreign material in the external auditory canals, external nares, or oral cavity.

The neck shows no external evidence of injury. The trachea is midline. The chest is symmetric with normal male breasts and displays injuries as detailed below. The abdomen is flat with no fluid wave or palpable masses. The external genitalia are that of a normal circumcised male with descended testes; the perineum and anus are unremarkable. The back and buttocks are symmetric and unremarkable.

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 1616112
Malcolm Loren Hickson

The extremities are normally developed and symmetric with no deformities or fractures. The arms display injuries as detailed below. The fingernails are intact and cyanotic. The toenails are intact.

IV. IDENTIFYING MARKS:

SCARS:

- 1) Anterior chest, central, irregular scar, $\frac{3}{8}$ x $\frac{3}{4}$ inch
- 2) Left antecubital fossa, irregular scar, $\frac{1}{4}$ x $\frac{1}{4}$ inch
- 3) Left elbow, curvilinear scar, 3-1/4 inches
- 4) Back, lumbar region, cluster of irregular scars, 2-1/2 x 1-3/4 inches
- 5) Right anterior knee, cluster of irregular scars, 1-1/2 x 2-1/4 inches
- 6) Left anterior knee, cluster of irregular scars, $\frac{1}{2}$ x 1-1/2 inches
- 7) Left hand, dorsal aspect, numerous irregular scars, up to $\frac{1}{4}$ inch in greatest dimension
- 8) Right leg, anterior, distal, linear scar, $\frac{1}{2}$ inch
- 9) Right foot, dorsal aspect, irregular scar, $\frac{3}{8}$ x $\frac{1}{2}$ inch
- 10) Left foot, dorsal aspect, irregular scar, $\frac{1}{4}$ x $\frac{1}{2}$ inch

TATTOOS:

- 1) Anterior neck, "LAPRESHA"
- 2) Anterior chest, bilateral circumferential arms, extensive tattoo of an intricate design including words, names, faces, and one hundred dollar bills
- 3) Left forearm, design including skulls and the words "HEAR NO, SEE NO, SPEAK NO EVIL"
- 4) Right wrist, dorsal aspect, "MADE"
- 5) Left wrist, dorsal aspect, "MAN"

V. EVIDENCE OF INJURY:

FACE:

There are multiple abrasions on the left lateral face, including two abrasions on the left lateral forehead, $\frac{1}{4}$ x $\frac{5}{8}$ inch and $\frac{3}{16}$ x $\frac{5}{8}$ inch, a $\frac{3}{8}$ x $\frac{7}{8}$ inch abrasion on the left lateral forehead lateral to left eye, a $\frac{1}{8}$ x $\frac{1}{4}$ inch abrasion on the left cheek, a $\frac{1}{8}$ x $\frac{3}{8}$ inch abrasion on the lower cheek/lateral chin, and a $\frac{3}{4}$ x $\frac{3}{4}$ inch cluster of abrasions on the left earlobe.

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 1616112
Malcolm Loren Hickson

EXTREMITIES:

A $\frac{1}{2}$ x 3- $\frac{1}{4}$ inches cluster of abrasions is on the left lateral elbow and forearm. A $\frac{1}{4}$ x $\frac{1}{2}$ inch abrasion is on the dorsal right wrist.

A $\frac{3}{16}$ x $\frac{1}{4}$ inch contusion is on the left fifth toe. A $\frac{1}{16}$ x $\frac{1}{4}$ inch contusion is on the right big toe. A $\frac{3}{4}$ -inch linear abrasion is on the right medial foot at the base of the big toe.

CHEST:

On the right lateral chest, located 20.5 inches from the top of the head and 6.5 inches right of center, and approximately in the mid axillary line, is a $\frac{1}{8}$ x $\frac{1}{4}$ inch elliptical gunshot wound of entrance with an eccentric marginal abrasion up to $\frac{3}{16}$ inch in width at the 8:00 to 10 o'clock position. No soot or gunpowder stippling are on the skin surrounding the gunshot wound. The bullet fractures the right eighth rib, injures the anterior basal segment of the right lower lobe of the lung, the lateral right hemidiaphragm, the liver, the medial right hemidiaphragm, the medial basal segment of the right middle lobe of the lung, the pericardial sac and the heart, transecting the right coronary artery, lacerating the right atrium, the tricuspid valve, and the right ventricle, continuing through the pericardial sac, fracturing the anterior left rib number six, and coming to rest in the muscle of the left anterior chest wall. A deformed, small caliber bullet was recovered from the muscle of the left chest wall. The bullet was placed in an evidence envelope, sealed, and transferred to the investigating police agency. The bullet traveled right to left, back to front, and upward. Associated with the gunshot wound is hemorrhage throughout the wound track, 200 mL of blood in the pericardium, 300 mL of blood in the left chest, and 900 mL of blood in the right chest.

VI. INTERNAL EXAMINATION

BODY CAVITIES:

A Y-shaped thoracoabdominal incision is made; the organs are examined in situ and eviscerated in the usual fashion. The subcutaneous fat of the abdomen measures $\frac{1}{2}$ inch in thickness. The musculature of the abdominal area is unremarkable.

The chest wall displays injuries as detailed above. There are no sternal or clavicular fractures. The serous body cavity membranes are smooth and

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Malcolm Loren Hickson

glistening with no adhesions. The vertebral column shows no scoliosis or kyphosis. The left hemidiaphragm is in its normal location and appears grossly unremarkable. The right hemidiaphragm shows injuries as detailed above. The pelvis is intact.

NECK:

The neck presents an intact hyoid bone as well as thyroid and cricoid cartilages. The larynx is comprised of unremarkable vocal cords and folds, appearing widely patent without foreign material, and is lined by smooth, glistening mucosa. The epiglottis shows no edema, trauma or pathologic lesions. There is no hemorrhage of the anterior musculature of the neck. The vasculature of the anterior neck is unremarkable. The trachea and cervical spine are in the midline presenting no traumatic injuries or pathologic lesions.

CARDIOVASCULAR SYSTEM:

The heart is of normal size and weighs 342.5 gms and displays injuries as detailed above. There is moderate epicardial fat. The coronary artery ostia are in the normal anatomical location. The coronary arteries are widely patent without significant atherosclerotic change. There is right dominant circulation. The endocardium is smooth. The myocardium is red-brown without evidence of acute or remote infarction. The ventricular walls are of normal thickness; the free wall of the left ventricle is 1.4 cm in thickness, the interventricular septum 1.5 cm, and the right ventricle 0.4 cm. The aorta is unremarkable.

RESPIRATORY SYSTEM:

The tracheobronchial tree contains no edema fluid, aspirated gastric contents or other foreign material, and is lined by smooth, glistening mucosa. The right lung weighs 266.5 gms and the left 264.0 gms. The pleural surfaces of the lungs are smooth and glistening with minimal anthracosis. The right lung shows evidence of injury as detailed above. On sectioning, the lungs are deflated. There are no cysts, abnormal masses or other atraumatic discrete lesions identified. The pulmonary arterial system is unremarkable without thromboemboli or atherosclerosis.

GASTROINTESTINAL SYSTEM:

The esophagus is intact and lined by smooth, glistening mucosa without erosions or varices. The gastroesophageal junction is normal. The stomach shows

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 1616112
Malcolm Loren Hickson

normal rugal folds without gastritis or ulcers, and contains 20 mL of thin, tan fluid; no food particles, no capsules, or tablets are identified. The small and large bowels appear grossly unremarkable. The appendix is present and is unremarkable.

The pancreas has a lobulated cut surface without hemorrhage, calcification, fat necrosis, pseudocysts, or masses.

HEPATOBIILIARY SYSTEM:

The liver weighs 1124.0 gms and displays injuries as detailed above. The capsule is brown, smooth, and glistening. On sectioning, the hepatic parenchyma is red-brown and homogeneous, with no atraumatic lesions. The gallbladder is unremarkable containing 20 mL of yellow-green bile and no calculi. The mucosa is green and velvety. The extrahepatic biliary system is patent.

RETICULOENDOTHELIAL (HEMATOPOIETIC) SYSTEM:

The spleen weighs 95.5 gms with a gray, smooth capsule. On sectioning, the parenchyma is reddish-brown and soft. Examination of identified lymph nodes reveals no lymphadenopathy. The examined bone marrow is red and firm without lesions. The thymus gland is present, appropriate for age.

GENITOURINARY SYSTEM:

The right and left kidneys weigh 132.0 gms and 133.0 gms, respectively. The capsules strip with ease and the cortical surfaces are smooth. On sectioning, the cortex is of normal thickness, with a well-defined corticomedullary junction and unremarkable medullae. The pelves and calyces are of normal size and lined by gray, glistening mucosa. There are no calculi. The renal arteries and veins are normal. The ureters are of normal caliber in the retroperitoneum, draining into an unremarkable urinary bladder.

The prostate gland and seminal vesicles are unremarkable. The testes are not removed.

ENDOCRINE SYSTEM:

The thyroid gland is of normal size and shape, with a red-brown cut surface and no lesions. The adrenal glands have yellow cortices of normal thickness and the

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Malcolm Loren Hickson

medullae show no lesions or hemorrhage. The pituitary gland is of normal size with no gross pathologic lesions.

HEAD AND CENTRAL NERVOUS SYSTEM:

A scalp incision, craniotomy, and removal of the brain are performed in the usual fashion. There are no scalp lesions or injuries. The calvarium is intact without bony abnormalities or fractures. The dura is intact and unremarkable. On stripping of the dura, the base of the skull is intact with no fractures.

The brain weighs 1523.5 gms and has translucent leptomeninges. The cerebral hemispheres have a normal gyral pattern with no edema. The brainstem and cerebellar hemispheres are externally unremarkable. The Circle of Willis is patent with no atherosclerosis or aneurysms. The cranial nerves are intact. Coronal sectioning of the cerebrum shows a symmetric ventricular system without hydrocephalus, containing clear cerebrospinal fluid. There are no space occupying lesions present. Sagittal sections of the cerebrum and horizontal sections of the brainstem are unremarkable. The spinal cord is not examined.

VII. HISTOLOGY:

LUNGS, LIVER AND HEART: No significant histopathologic abnormality

KIDNEYS: Tubular calcifications

VIII. IMAGING STUDIES:

X-rays of the head and chest are performed and show minute radio-opaque fragments in the right and left chest, and a larger fragment in the left chest.

IX. IDENTIFICATION:

The decedent is identified by comparison of antemortem and postmortem fingerprints.

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Malcolm Loren Hickson

SPECIMENS AND EVIDENCE COLLECTED

1. 10 mL of femoral blood, 15 mL of aortic blood, 15 mL of urine, and 5 mL of vitreous fluid
2. Representative tissue sections in formalin
3. Tissue in cassettes for histology (4)
4. Forensic evidence:
 - a) Pulled scalp hair
 - b) Pulled pubic hair
 - c) Pulled facial hair
 - d) Blood card
 - e) Projectile
5. Fingerprints and palm prints
6. Representative photographs
7. GSR SEM stubs from hands
8. Digital X-rays (2)
9. Additional blood card

EDC: 12/27/16

Dictated: 10/27/16

Transcribed: 11/4/16

Completed: 12/19/16

BRM:caa

Forensic Toxicology Results



Office of Chief Medical Examiner
Toxicology Laboratory Service
200 Feliks Gwozdz Place
Fort Worth, Texas 76104
Name: Malcolm Loren Hickson

Case Number: 1616112
Toxicology Work Number: 1603796

Nizant Peerwani, M.D., DABFP
Chief Medical Examiner
Robert Johnson, PH.D., DABFT
Chief Toxicologist

Service Request Number: 002

Specimen	Drug	Result	Drug Amount	Instrument Used	Performed By
Femoral Blood	Ethanol	NEGATIVE		GC/FID	K. SCOTT
URINE	Amphetamine ELISA	NEGATIVE		ELISA	B. LANDRY
URINE	Methamphetamine ELISA	NEGATIVE		ELISA	B. LANDRY
URINE	THC ELISA*	POSITIVE		ELISA	B. LANDRY
URINE	Opiate ELISA	NEGATIVE		ELISA	B. LANDRY
URINE	Cocaine ELISA	NEGATIVE		ELISA	B. LANDRY
URINE	Benzodiazepine ELISA	NEGATIVE		ELISA	B. LANDRY
URINE	Oxycodone ELISA	NEGATIVE		ELISA	B. LANDRY
URINE	ACID	NEGATIVE		GCMS	C. WHEELER
URINE	BASE	NEGATIVE		GCMS	C. WHEELER

*THIS SCREEN IS NOT CONFIRMED

Approved By: _____

Approved Date: _____

11/8/16



Exhibit G

February 16, 2018

The Honorable Ken Paxton
Attorney General
Open Records Division
P.O. Box 12548
Austin TX 78711-2548

VIA CERTIFIED MAIL RETURN
RECEIPT REQUESTED
#7012 1520 0002 5577 8188

Re: Request for Attorney General Decision under Tex. Gov't Code Ann § 552.301
Requestor: Natalie Hickson
Date Received: See Exhibit A
City ID: 12102

Dear Attorney General Paxton:

The City of Carrollton, Texas (the "City") received a public information request from Natalie Hickson dated Exhibit A. A copy of the request is attached as **Exhibit A**. Pursuant to § 552.301 of the Government code, the City requests a decision from the Attorney General about whether the requested information is excepted from disclosure under the Public Information Act (the "Act"). This letter will serve as the City's brief in its request for a decision from the Attorney General as to whether the requested information and/or any portions thereof are excepted from disclosure under the Public Information Act. (the "Act.") See Tex. Gov't Code § 552.301 (a) and (b).

Certain Law Enforcement, Corrections and Prosecutorial Information § 552.108b

The City has located all responsive information attached as **Exhibit B**. The basic "front page" information has been released in accordance with Open Records Decision 127. Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. Tex. Gov't Code § 552.108(b). Therefore, the City seeks to withhold the marked information in **Exhibit B**. The officer involved shooting resulted in a "no bill" and the case is no longer under investigation or pending prosecution and we are requesting the records be excepted from disclosure by section 552.108(b).

Confidential Information § 552.101

Copies of the responsive materials the City wishes to withhold are attached as **Exhibit B**. The City asserts that the information in **Exhibit B** should be withheld under the doctrine of common law privacy. Section 552.101 excepts from required public disclosure information made confidential under case law. Pursuant to the Texas Supreme Court decision in *Industrial Foundation of the South v. Texas Industrial Accident Board*, section 552.101 applies to information when its disclosure would constitute the common law tort of invasion of privacy through the disclosure of private facts. To be within this common law tort, the information must (1) contain highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and (2) be of no legitimate concern to the public.



The report contains confidential information that is highly intimate and embarrassing as well as on no legitimate concern to the general public. See *Paxton v City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App-Austin May 22, 2015, pet. denied). Birth dates of certain members of the general public, contained in documents that were sought from the City of Dallas under the Texas Public Information Act (the PIA), are "confidential by law" and thus excepted from disclosure under section 552.101 of the PIA.

In addition, information that is intimate or embarrassing and in which the public has no legitimate interest is protected from required public disclosure under Texas common law. See *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976); *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied). See *supra* note 9, at 9. Moreover, the PIA protects information deemed confidential under the United States Constitution. See *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 678 (Tex. 1976). Under Texas law, individuals have "the right to be free from the government disclosing private facts about its citizens and from the government inquiring into matters in which it does not have a legitimate and proper concern." *Ramie v. City of Hedwig Village, Tex.*, 765 F.2d 490, 492 (5th Cir. 1985); see also *Fadjo v. Coon*, 633 F.2d 1172, 1176 (5th Cir. 1981). Finally, the type of information considered intimate or embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, and psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683

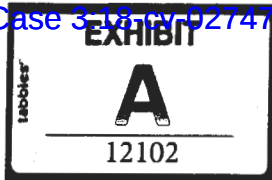
The city takes under consideration that requestor may be the parent to the juvenile listed within the report. Nevertheless; no documentation was provided to indicate proof of relations. The mother's name is listed within the report as the parent (guardian) therefore; we released only confidential information pertaining to her. Nevertheless, we seek to withhold information marked within **Exhibit B** pursuant to section 552.108 in conjunction with 552.101. Should you have any questions or concerns, please contact me by telephone at 972-466- 3025.

Sincerely,

Captoria Brown

Captoria Brown

Cc: Natalie Hickson via (Email)
w/o Exhibit B, pending the AG opinion



RPI# _____

**CITY OF CARROLLTON, TEXAS
REQUEST FOR PUBLIC INFORMATION**

I, the undersigned, hereby request the custodian of the following described public records of the City of Carrollton, Texas, to promptly produce said records for inspection and/or duplication. I understand there may be charges assessed for duplication or access to such records and the City of Carrollton may require prepayment prior to preparation of the requested copies of such record. [Please complete form and submit to City Hall at 1945 East Jackson Road, Carrollton, Texas 75006, email to openrecords@cityofcarrollton.com, or complete an open records request online at cityofcarrollton.com/openrecords.]

REQUIRED INFORMATION

DATE OF REQUEST: 2/8/18 TELEPHONE: 469-324-8842
 NAME: (Please circle one (Mr., Mrs., Ms.)) Natale Hickson
 ADDRESS: (Please include Box and Suite #'s): 1015 Terry Way
 CITY: Carrollton STATE: TX ZIP: 75006
 EMAIL: njhickson@hotmail.com Malcolm Hickson

OPEN RECORDS REQUEST11-23-90

PLEASE LIST ALL DOCUMENTS THAT YOU ARE REQUESTING (Be specific regarding dates, time period, locations (s) and name(s). Please be sure to request documents; NOT ask questions.):

(link date) BOLO for Malcolm Hickson regarding a gun theft of
Lapresha Hickson, Audible of Shootings of Malcolm Hickson
from NorTex on 10/26/16 all reports, investigations and all material
 CHECK ONE: pertaining to this incident of Murder all cell notes

- (a) ☒ I request paper copies (b) ☒ I request Electronic copies on CD / via email (circle one)
 (c) ☐ I request only to view at City Hall (d) ☐ Certified copies
 (e) ☒ Law Enforcement Report: Basic Information Full Report (Attorney General request may be required)
 (circle one)

Description of information sought: video, Audible, written reports involving
the murder of Malcolm Hickson on 10/26/16

(f) ☐ Video Recording of Intoxication Offense Arrest (Per HB 3791, only the person stopped/arrested may request the video recording): Name, Date, Time and/or Location of Arrest: MA

(g) ☒ Other (Please explain in detail what you would like to do): Video (if any) Audible
between NorTex Swat and Carrollton PD crime scene reports
writes ups of investigation to include all witnesses all cell notes
incident reports offense reports, warrants, search warrants
adulterant from Caleb West
of the shooting

YOUR REQUEST IS NOT COMPLETE UNLESS YOU SIGN ON THE BACK.

All for
10/26/16

REQUEST FOR JUDICIAL (MUNICIPAL COURT) RECORDS

Per Section 552.003(1)(B) of the Government Code, judicial records are excluded from the Public Information Act. Section 552.0035 of the Government Code specifically provides that access to judicial records is governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules. Please provide as much information as possible about the court documents you are requesting.

CASE NUMBER: _____

CITATION NUMBER: _____

DEFENDANT(S) NAME: _____

PLEASE LIST ALL DOCUMENTS THAT YOU ARE REQUESTING (Be specific regarding dates, time period, and name(s). (Be sure to request documents; NOT ask questions)

CHECK ONE:

(a) ☐ I request paper copies (b) ☐ I request Electronic copies on CD / via email (circle one)

(c) ☐ I request only to view at Municipal Court window

(d) ☐ Disposition of Court Case

Description of information sought: _____

(e) ☐ Other (Please explain in detail what you would like to do): _____

X SIGNATURE: *[Signature]* SIGNATURE FOR PICKUP: _____

FOR CITY USE

Department Request Sent To: _____

Transmittal Date: _____ Due Date to City Sec.: _____

DISPOSITION:

(1) ☐ Documents Attached

(2) ☐ No Documents Exist

(3) ☐ Documents not attached because: _____

List of documents attached: _____

TO BE COMPLETED BY CITY SECRETARY'S OFFICE

Number of Copies: _____ Receipt No. _____

Amount Due: _____ Date Picked Up: _____

Date Mailed/Emailed Notification Letter: _____

Date Mailed/Emailed Documents Ready Letter: _____

Certified Mail: Yes/No: Return Receipt Number: _____

Certified Mail Receipt Returned Date: _____

Date Requestor a No Show for Documents: _____



Exhibit 14

SHAREN WILSON
Criminal District Attorney
Tarrant County

February 22, 2018

Honorable Ken Paxton
Texas Attorney General
Post Office Box 12548
Austin, Texas 78711-2548

E- C.M./R.R.R. - 91 7199 9991 7038 6815 2095

Re: Public Information Request from Natalie Hickson

Dear General Paxton:

On February 20, 2018, the Tarrant County Medical Examiner's Office ("Medical Examiner") received a public information request seeking a specified autopsy report. *See* copy of request, attached as Exhibit A. Please note that the date of receipt is reflected in the "Sent" row of the e-mail header. The Tarrant County Criminal District Attorney's Office, as legal counsel to and on behalf of the Medical Examiner, believes that the information sought by the Requestor may be withheld under Section 552.108 of the TEXAS GOVERNMENT CODE.

I. The requested documents concern a criminal investigation that did not result in a conviction or deferred adjudication, and may therefore be withheld under Section 552.108

This Office seeks to withhold the information sought pursuant to Section 552.108(a)(2) & (b)(2) of the TEXAS GOVERNMENT CODE. Specifically, Section 552.108(a)(2) states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of a crime is excepted from required public disclosure if it is information that "deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." Similarly, Section 552.108(b)(2) states that an internal record or notation of a law enforcement agency or prosecutor is excepted from public disclosure if "the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication."

In this case, the requested documents pertain to a criminal investigation which was closed with no indictments or convictions. More specifically, the criminal investigation involving the requested autopsy report resulted in the return of a "No Bill" by a Dallas County grand jury. *See* Correspondence from the Dallas County District Attorney's Office, attached as Exhibit B. Since the requested documents deal with an investigation and prosecution that did not result in a

~~Honorable Ken Paxton~~

Re: Natalie Hickson PLA Request

February 22, 2017

Page 2

conviction or deferred adjudication, this Office seeks to withhold them under Section 552.108 of the TEXAS GOVERNMENT CODE.

II. Conclusion

The documents sought by the Requestor are attached as Exhibit C. This letter will serve as notice to the Requestor that this Office is seeking a ruling regarding this public information request. I may be reached at (817) 884-1233 should any questions arise.

Sincerely,

Sharen Wilson
Criminal District Attorney
Tarrant County, Texas



MARK KRATOVIL
Assistant Criminal District Attorney

MCK/psm

Attachments

- Exhibit A – Public Information Act Request
- Exhibit B – Correspondence from the Dallas County District Attorney's Office
- Exhibit C – Documents sought to be withheld

cc w/att. (Ex. A only):

✓ Natalie Hickson (*Requestor*)
1015 Terry Way
Carrollton, TX 75006

E- C.M./R.R.R. – 91 7199 9991 7038 6815 2088

Mark C. Kratovil

From: Tarr J. Wilson
Sent: Tuesday, February 20, 2018 12:29 PM
To: Mark C. Kratovil
Cc: Polly S. Maxwell
Subject: FW: Malcolm Hickson

Mark,

See below.

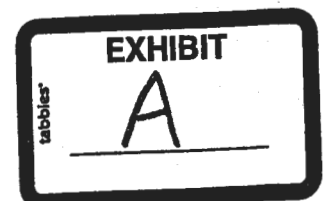
Ms. Tarr Jae Wilson
Manager of Records for TCME Office
200 Feliks Gwozdz Place
Fort Worth, Texas 76104-4919
tjwilson@tarrantcounty.com
Records Dept. tcmerecords@tarrantcounty.com
TCME Case Data/Info-Public Website: <https://mepublic.tarrantcounty.com>
PH: (817) 920-5700 Ext.8679
FAX: (817) 920-5713
Office Hours: M-F 8 a.m. to 4:30 p.m.

From: Natalie Hickson [<mailto:Natalie.Hickson@dallascounty.org>]
Sent: Tuesday, February 20, 2018 10:18 AM
To: Records Requests <tcmerecords@tarrantcounty.com>
Cc: Natalie Hickson <Natalie.Hickson@dallascounty.org>
Subject: Malcolm Hickson

To whom it may concern:

I would like all information , pictures , graphs and any other autopsy reports that involve any work that was conducted on my son Malcolm Hickson (11-23-90) related to his homicide on 10/26/16. I would like that mailed to 1015 terry way Carrollton TX 75006 or I can pick it up. Please contact me if I need to pick it up I have seen pictures of his body with a side shot and a graph and a summary report that states my son had a gun in his hand , I would like that as well.

Sincerely,
Natalie Hickson
469-324-8842





KEN PAXTON
ATTORNEY GENERAL OF TEXAS

Exhibit F

April 25, 2018

Ms. Captoria Brown
Paralegal
City of Carrollton
1945 East Jackson Road
Carrollton, Texas 75006

OR2018-09670

Dear Ms. Brown:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 705462 (City ID: 12102).

The City of Carrollton (the "city") received a request for information pertaining to the death of a named individual. You state the city has released some of the requested information. You claim some of the remaining requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted representative samples of information.² We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. Section 552.101 encompasses section 143.089 of the Local Government Code.

¹We note that although you raise section 552.103 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim this section applies to the submitted information. *See* Gov't Code §§ 552.301, .302.

²We assume the "representative samples" of records submitted to this office are truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

We understand the city is a civil service city under chapter 143 of the Local Government Code. Section 143.089 provides for the existence of two different types of personnel files relating to a police officer: one that must be maintained as part of the officer's civil service file and another the police department may maintain for its own internal use. See Local Gov't Code § 143.089(a), (g). The officer's civil service file must contain certain specified items, including commendations, periodic evaluations by the police officer's supervisor, and documents relating to any misconduct in which the department took disciplinary action against the officer under chapter 143 of the Local Government Code. *Id.* § 143.089(a)(1)-(2). Chapter 143 prescribes the following types of disciplinary actions: removal, suspension, demotion, and uncompensated duty. *Id.* §§ 143.051-.055; see Attorney General Opinion JC-0257 (2000) (written reprimand is not disciplinary action for purposes of Local Gov't Code chapter 143). In cases in which a police department investigates a police officer's misconduct and takes disciplinary action against an officer, it is required by section 143.089(a)(2) to place all investigatory records relating to the investigation and disciplinary action, including background documents such as complaints, witness statements, and documents of like nature from individuals who were not in a supervisory capacity, in the police officer's civil service file maintained under section 143.089(a). See *Abbott v. Corpus Christi*, 109 S.W.3d 113, 122 (Tex. App.—Austin 2003, no pet.). All investigatory materials in a case resulting in disciplinary action are "from the employing department" when they are held by or are in the possession of the department because of its investigation into a police officer's misconduct, and the department must forward them to the civil service commission for placement in the civil service personnel file. *Id.* Such records may not be withheld under section 552.101 of the Government Code in conjunction with section 143.089 of the Local Government Code. See Local Gov't Code § 143.089(f); Open Records Decision No. 562 at 6 (1990). However, a document relating to a police officer's alleged misconduct may not be placed in his civil service personnel file if there is insufficient evidence to sustain the charge of misconduct. Local Gov't Code § 143.089(b). Information that reasonably relates to a police officer's employment relationship with the police department and that is maintained in a police department's internal file pursuant to section 143.089(g) is confidential and must not be released. *City of San Antonio v. Tex. Attorney Gen.*, 851 S.W.2d 946, 949 (Tex. App.—Austin 1993, writ denied).

You represent the information you have indicated is maintained in the internal files of the city's police department as authorized under section 143.089(g) of the Local Government Code. The submitted information reflects the information at issue pertains to an internal affairs investigation that did not result in disciplinary action against the officer at issue. Based upon this representation and our review of the information at issue, we find the information you have indicated is confidential under section 143.089(g) of the Local Government Code and must be withheld under section 552.101 of the Government Code.

Section 552.108(b)(2) of the Government Code excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if . . . the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication." Gov't Code § 552.108(b)(2). Section 552.108(b)(2) protects

internal law enforcement and prosecution records that relate to a concluded investigation or prosecution that did not result in a conviction or deferred adjudication. A governmental body claiming an exception under section 552.108 must reasonably explain how and why the exception it claims is applicable to the information the governmental body seeks to withhold. *Id.* § 552.301(e)(1)(A); see also *Ex parte Pruitt* 551 S.W.2d 706 (Tex. 1977). You state the information you have marked pertains to a criminal case that “resulted in a ‘no bill’” and is “no longer under investigation or pending prosecution.” Based upon your representations, we find section 552.108(b)(2) is applicable to the information you have marked. Accordingly, the city may withhold the information you have marked under section 552.108(b)(2) of the Government Code.

Section 552.101 of the Government Code also encompasses information made confidential by other statutes. We note the remaining information contains information that was reported to the National Trace Center of the Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (the “ATF”). Public Law number 112-55 states, in pertinent part,

[D]uring the current fiscal year and in each fiscal year thereafter, no funds appropriated under [the Consolidated and Further Continuing Appropriations Act, 2012] or any other [a]ct may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the [ATF] or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section, except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor . . . unless such disclosure of such data to an[] . . . entit[y] described in (1) . . . of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1) . . . shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State[.]

Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, 125 Stat. 552, 609-10 (2011). We note the responsive information contains Firearms Trace Summaries, which consist of content from the Firearms Trace System database maintained by the National Trace Center. Upon review, we find the submitted Firearms Trace Summaries at issue are confidential under Public Law number 112-55. See *Miller v. U.S. Dep’t of Justice*, 562 F. Supp. 2d 82, 111 (D.D.C. 2008) (holding Firearms Trace Report properly withheld under Freedom of Information Act exemption 3, which covers records that are exempt from disclosure by statute). Accordingly, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with Public Law number 112-55.

Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. The court of appeals has concluded public citizens' dates of birth are protected by common-law privacy pursuant to section 552.101. *See Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). In Open Records Decision No. 393 (1983), this office concluded that, generally, only that information which either identifies or tends to identify a victim of sexual assault or other sex-related offense may be withheld under common-law privacy; however, because the identifying information was inextricably intertwined with other releasable information, the governmental body was required to withhold the entire report. Open Records Decision No. 393 at 2 (1983); *see* Open Records Decision No. 339 (1982); *see also Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.—El Paso 1992, writ denied) (identity of witnesses to and victims of sexual harassment was highly intimate or embarrassing information and public did not have a legitimate interest in such information); Open Records Decision No. 440 (1986) (detailed descriptions of serious sexual offenses must be withheld).

Upon review, we find some of the remaining information pertains to an alleged sexual assault. The requestor in this case knows the identity of the alleged victim. We believe that, in this instance, withholding only the victim's identifying information from the requestor would not preserve the victim's common-law right to privacy. We conclude, therefore, the city must withhold the information we have marked and indicated in its entirety pursuant to section 552.101 of the Government Code in conjunction with common-law privacy. Further, we find some of the remaining information, which we have marked, and all living public citizens' dates of birth satisfy the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Accordingly, the city must withhold the additional information we have marked and all living public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy. The city has failed to demonstrate, however, the remaining information is highly intimate or embarrassing and not of legitimate public interest. Therefore, the city may not withhold any portion of the remaining information under section 552.101 in conjunction with common-law privacy.

We note some of the remaining information may be subject to section 552.1175 of the Government Code.³ Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information

³The Office of the Attorney General will raise a mandatory exceptions on behalf of a governmental body. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

confidential. *See* Gov't Code § 552.1175. Section 552.1175 applies, in part, to "peace officers as defined by Article 2.12, Code of Criminal Procedure." *Id.* § 552.1175(a)(1). Section 552.1175 is also applicable to personal pager and cellular telephone numbers, provided the cellular telephone service or pager service is not paid for by a governmental body. *See* Open Records Decision No. 506 at 5-6 (1988) (statutory predecessor to section 552.117 of the Government Code not applicable to cellular telephone numbers provided and paid for by governmental body and intended for official use). We have marked personal information pertaining to individuals who may currently be licensed peace officers. Accordingly, if the individuals at issue are currently licensed peace officers and the peace officers elect to restrict access to their information in accordance with section 552.1175(b) of the Government Code, the city must withhold the information we have marked under section 552.1175 of the Government Code; however, the city may only withhold the marked personal cellular numbers under section 552.1175 if a governmental body does not pay for the cellular telephone service.

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's license or driver's license or a motor vehicle title or registration issued by a Texas agency, or an agency of another state or country. *See* Gov't Code § 552.130(a)(1)-(2). Upon review, we find the city must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code.

Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body," unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See id.* § 552.137(a)-(c). The e-mail address at issue is not a type specifically excluded by section 552.137(c). Accordingly, the city must withhold the e-mail address we have marked under section 552.137 of the Government Code, unless the owner of the e-mail address affirmatively consents to its disclosure.

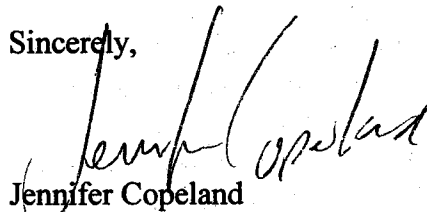
In summary, the city must withhold the information you have indicated under section 552.101 of the Government Code in conjunction with section 143.089(g) of the Local Government Code. The city may withhold the information you have marked under section 552.108(b)(2) of the Government Code. The city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with Public Law number 112-55. The city must withhold the information we have marked and indicated and all living public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy. If the individuals at issue are currently licensed peace officers and the peace officers elect to restrict access to their information in accordance with section 552.1175(b) of the Government Code, the city must withhold the information we have marked under section 552.1175 of the Government Code; however, the city may only withhold the marked personal cellular numbers under section 552.1175 if a governmental body does not pay for the cellular telephone service. The city must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. The city must withhold the e-mail address we have marked under section

552.137 of the Government Code, unless the owner of the e-mail address affirmatively consents to its disclosure. The remaining information must be released.⁴

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/gw

Ref: ID# 705462

Enc. Submitted documents

c: Requestor
(w/o enclosures)

⁴We note the remaining information contains a living individual's social security number. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. See Gov't Code § 552.147(b).



Exhibit G

February 16, 2018

The Honorable Ken Paxton
Attorney General
Open Records Division
P.O. Box 12548
Austin TX 78711-2548

VIA CERTIFIED MAIL RETURN
RECEIPT REQUESTED
#7012 1520 0002 5577 8188

Re: Request for Attorney General Decision under Tex. Gov't Code Ann § 552.301
Requestor: Natalie Hickson
Date Received: See Exhibit A
City ID: 12102

Dear Attorney General Paxton:

The City of Carrollton, Texas (the "City") received a public information request from Natalie Hickson dated Exhibit A. A copy of the request is attached as **Exhibit A**. Pursuant to § 552.301 of the Government code, the City requests a decision from the Attorney General about whether the requested information is excepted from disclosure under the Public Information Act (the "Act"). This letter will serve as the City's brief in its request for a decision from the Attorney General as to whether the requested information and/or any portions thereof are excepted from disclosure under the Public Information Act. (the "Act.") See Tex. Gov't Code § 552.301 (a) and (b).

Certain Law Enforcement, Corrections and Prosecutorial Information § 552.108b

The City has located all responsive information attached as **Exhibit B**. The basic "front page" information has been released in accordance with Open Records Decision 127. Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. Tex. Gov't Code § 552.108(b). Therefore, the City seeks to withhold the marked information in **Exhibit B**. The officer involved shooting resulted in a "no bill" and the case is no longer under investigation or pending prosecution and we are requesting the records be excepted from disclosure by section 552.108(b).

Confidential Information § 552.101

Copies of the responsive materials the City wishes to withhold are attached as **Exhibit B**. The City asserts that the information in **Exhibit B** should be withheld under the doctrine of common law privacy. Section 552.101 excepts from required public disclosure information made confidential under case law. Pursuant to the Texas Supreme Court decision in *Industrial Foundation of the South v. Texas Industrial Accident Board*, section 552.101 applies to information when its disclosure would constitute the common law tort of invasion of privacy through the disclosure of private facts. To be within this common law tort, the information must (1) contain highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and (2) be of no legitimate concern to the public.



The report contains confidential information that is highly intimate and embarrassing as well as on no legitimate concern to the general public. See *Paxton v City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App.-Austin May 22, 2015, pet. denied). Birth dates of certain members of the general public, contained in documents that were sought from the City of Dallas under the Texas Public Information Act (the PIA), are "confidential by law" and thus excepted from disclosure under section 552.101 of the PIA.

In addition, information that is intimate or embarrassing and in which the public has no legitimate interest is protected from required public disclosure under Texas common law. See *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976); *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied). See *supra* note 9, at 9. Moreover, the PIA protects information deemed confidential under the United States Constitution. See *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 678 (Tex. 1976). Under Texas law, individuals have "the right to be free from the government disclosing private facts about its citizens and from the government inquiring into matters in which it does not have a legitimate and proper concern." *Ramie v. City of Hedwig Village, Tex.*, 765 F.2d 490, 492 (5th Cir. 1985); see also *Fadjo v. Coon*, 633 F.2d 1172, 1176 (5th Cir. 1981). Finally, the type of information considered intimate or embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, and psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683

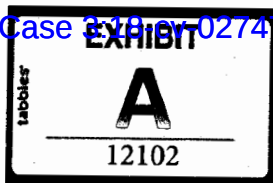
The city takes under consideration that requestor may be the parent to the juvenile listed within the report. Nevertheless; no documentation was provided to indicate proof of relations. The mother's name is listed within the report as the parent (guardian) therefore; we released only confidential information pertaining to her. Nevertheless, we seek to withhold information marked within **Exhibit B** pursuant to section 552.108 in conjunction with 552.101. Should you have any questions or concerns, please contact me by telephone at 972-466- 3025.

Sincerely,

Captoria Brown

Captoria Brown

Cc: Natalie Hickson via (Email)
w/o Exhibit B, pending the AG opinion



RPI# _____

**CITY OF CARROLLTON, TEXAS
REQUEST FOR PUBLIC INFORMATION**

I, the undersigned, hereby request the custodian of the following described public records of the City of Carrollton, Texas, to promptly produce said records for inspection and/or duplication. I understand there may be charges assessed for duplication or access to such records and the City of Carrollton may require prepayment prior to preparation of the requested copies of such record. [Please complete form and submit to City Hall at 1945 East Jackson Road, Carrollton, Texas 75006, email to openrecords@cityofcarrollton.com, or complete an open records request online at cityofcarrollton.com/openrecords.]

REQUIRED INFORMATION

DATE OF REQUEST: 2/8/18 TELEPHONE: 469-324-8842
 NAME: (Please circle one (Mr., Mrs., Ms.)) Natale Hickson
 ADDRESS: (Please include Box and Suite #'s): 1015 Terry Way
 CITY: Carrollton STATE: TX ZIP: 75006
 EMAIL: nghickson@hotmail.com Malcolm Hickson

OPEN RECORDS REQUEST

11-23-90

PLEASE LIST ALL DOCUMENTS THAT YOU ARE REQUESTING (Be specific regarding dates, time period, locations (s) and name(s). Please be sure to request documents; NOT ask questions.):

(link date) BOLD for Malcolm Hickson regarding a gun left of
Lapresha Hickson, Audible of Shootings of Malcolm Hickson
from Nortex on 10/26/16 all reports, investigations and all material
 CHECK ONE: pertaining to this incident of murder all call notes

- (a) ☐ I request paper copies (b) ☒ I request Electronic copies on CD/ via email (circle one)
 (c) ☐ I request only to view at City Hall (d) ☐ Certified copies
 (e) ☒ Law Enforcement Report: Basic Information (Full Report) (Attorney General request may be required) (circle one)

Description of information sought: video, Audible, written reports involving
the murder of Malcolm Hickson on 10/26/16

(f) ☐ Video Recording of Intoxication Offense Arrest (Per HB 3791, only the person stopped/arrested may request the video recording): Name, Date, Time and/or Location of Arrest: MA

(g) ☒ Other (Please explain in detail what you would like to do): Video (if any) Audible
between Nortex Swat and Carrollton PD, crime scene reports
writes ups of investigation to include all witnesses all call notes
incident reports offense reports, warrants, search warrants

YOUR REQUEST IS NOT COMPLETE UNLESS YOU SIGN ON THE BACK.

adulterant from Caleb West
of the shooting

All for
10/26/16

REQUEST FOR JUDICIAL (MUNICIPAL COURT) RECORDS

Per Section 552.003(1)(B) of the Government Code, judicial records are excluded from the Public Information Act. Section 552.0035 of the Government Code specifically provides that access to judicial records is governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules. Please provide as much information as possible about the court documents you are requesting.

CASE NUMBER: _____

CITATION NUMBER: _____

DEFENDANT(S) NAME: _____

PLEASE LIST ALL DOCUMENTS THAT YOU ARE REQUESTING (Be specific regarding dates, time period, and name(s). (Be sure to request documents; NOT ask questions)

CHECK ONE:

- (a) ☐ I request paper copies (b) ☐ I request Electronic copies on CD / via email (circle one)
(c) ☐ I request only to view at Municipal Court window
(d) ☐ Disposition of Court Case

Description of information sought: _____

(e) ☐ Other (Please explain in detail what you would like to do): _____

X SIGNATURE:  SIGNATURE FOR PICKUP: _____

FOR CITY USE

Department Request Sent To: _____

Transmittal Date: _____ Due Date to City Sec.: _____

DISPOSITION:

- (1) ☐ Documents Attached (2) ☐ No Documents Exist
(3) ☐ Documents not attached because: _____

List of documents attached: _____

TO BE COMPLETED BY CITY SECRETARY'S OFFICE

Number of Copies: _____ Receipt No. _____

Amount Due: _____ Date Picked Up: _____

Date Mailed/Emailed Notification Letter: _____

Date Mailed/Emailed Documents Ready Letter: _____

Certified Mail: Yes/No: Return Receipt Number: _____

Certified Mail Receipt Returned Date: _____

Date Requestor a No Show for Documents: _____



Exhibit A

SHAREN WILSON
Criminal District Attorney
Tarrant County

February 22, 2018

Honorable Ken Paxton
Texas Attorney General
Post Office Box 12548
Austin, Texas 78711-2548

E- C.M./R.R.R. - 91 7199 9991 7038 6815 2095

Re: Public Information Request from Natalie Hickson

Dear General Paxton:

On February 20, 2018, the Tarrant County Medical Examiner's Office ("Medical Examiner") received a public information request seeking a specified autopsy report. *See* copy of request, attached as Exhibit A. Please note that the date of receipt is reflected in the "Sent" row of the e-mail header. The Tarrant County Criminal District Attorney's Office, as legal counsel to and on behalf of the Medical Examiner, believes that the information sought by the Requestor may be withheld under Section 552.108 of the TEXAS GOVERNMENT CODE.

I. The requested documents concern a criminal investigation that did not result in a conviction or deferred adjudication, and may therefore be withheld under Section 552.108

This Office seeks to withhold the information sought pursuant to Section 552.108(a)(2) & (b)(2) of the TEXAS GOVERNMENT CODE. Specifically, Section 552.108(a)(2) states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of a crime is excepted from required public disclosure if it is information that "deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." Similarly, Section 552.108(b)(2) states that an internal record or notation of a law enforcement agency or prosecutor is excepted from public disclosure if "the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication."

In this case, the requested documents pertain to a criminal investigation which was closed with no indictments or convictions. More specifically, the criminal investigation involving the requested autopsy report resulted in the return of a "No Bill" by a Dallas County grand jury. *See* Correspondence from the Dallas County District Attorney's Office, attached as Exhibit B. Since the requested documents deal with an investigation and prosecution that did not result in a

Honorable Ken Paxton

Re: Natalie Hickson PLA Request

February 22, 2017

Page 2

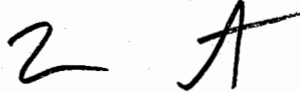
conviction or deferred adjudication, this Office seeks to withhold them under Section 552.108 of the TEXAS GOVERNMENT CODE.

II. Conclusion

The documents sought by the Requestor are attached as Exhibit C. This letter will serve as notice to the Requestor that this Office is seeking a ruling regarding this public information request. I may be reached at (817) 884-1233 should any questions arise.

Sincerely,

Sharen Wilson
Criminal District Attorney
Tarrant County, Texas



MARK KRATOVIL
Assistant Criminal District Attorney

MCK/psm

Attachments

- Exhibit A – Public Information Act Request
- Exhibit B – Correspondence from the Dallas County District Attorney's Office
- Exhibit C – Documents sought to be withheld

cc w/att. (Ex. A only):

✓ Natalie Hickson (*Requestor*)
1015 Terry Way
Carrollton, TX 75006

E- C.M./R.R.R. – 91 7199 9991 7038 6815 2088

Mark C. Kratovil

From: Tarr J. Wilson
Sent: Tuesday, February 20, 2018 12:29 PM
To: Mark C. Kratovil
Cc: Polly S. Maxwell
Subject: FW: Malcolm Hickson

Mark,

See below.

Ms. Tarr Jae Wilson
Manager of Records for TCME Office
200 Feliks Gwozdz Place
Fort Worth, Texas 76104-4919
tjwilson@tarrantcounty.com
Records Dept. tcmererecords@tarrantcounty.com
TCME Case Data/Info-Public Website: <https://mepublic.tarrantcounty.com>
PH: (817) 920-5700 Ext.8679
FAX: (817) 920-5713
Office Hours: M-F 8 a.m. to 4:30 p.m.

From: Natalie Hickson [<mailto:Natalie.Hickson@dallascounty.org>]
Sent: Tuesday, February 20, 2018 10:18 AM
To: Records Requests <tcmererecords@tarrantcounty.com>
Cc: Natalie Hickson <Natalie.Hickson@dallascounty.org>
Subject: Malcolm Hickson

To whom it may concern:

I would like all information , pictures , graphs and any other autopsy reports that involve any work that was conducted on my son Malcolm Hickson (11-23-90) related to his homicide on 10/26/16. I would like that mailed to 1015 terry way Carrollton TX 75006 or I can pick it up. Please contact me if I need to pick it up I have seen pictures of his body with a side shot and a graph and a summary report that states my son had a gun in his hand , I would like that as well.

Sincerely,
Natalie Hickson
469-324-8842

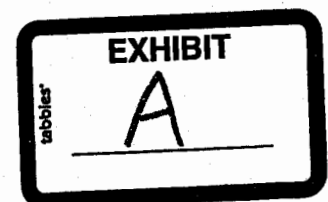


Exhibit I



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 12, 2018

~~Mr. Mark C. Kratovil
Assistant Criminal District Attorney
Tarrant County
401 West Belknap
Fort Worth, Texas 76196~~

OR2018-05681

Re: Request for any and all records involving a named individual from 10/26/16

Dear Mr. Kratovil:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 707433.

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You claim the submitted information may be withheld from public disclosure pursuant to section 552.108(a)(2) of the Government Code on behalf a law enforcement agency with a law enforcement interest. Further, you inform this office the law enforcement agency objects to the disclosure of the information because it relates to a concluded criminal case that did not result in conviction or deferred adjudication. Thus, we conclude you may withhold the submitted information pursuant to section 552.108(a)(2).

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/og/memorulings>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

c: Requestor
(w/o enclosures)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Hickson, Natalie on behalf of the ESTATE OF MALCOM LOREN
HICKSON

(b) County of Residence of First Listed Plaintiff **Dallas**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

Carrollton Police Department

County of Residence of First Listed Defendant **Dallas**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

OCT 17 2018

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

8-18 CV 2747-B

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USCS § 1983

Brief description of cause:

Deprivation of Rights, Wrongful Death caused by Carrollton Police Department, Carrollton, Texas

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
\$4,000,000

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE